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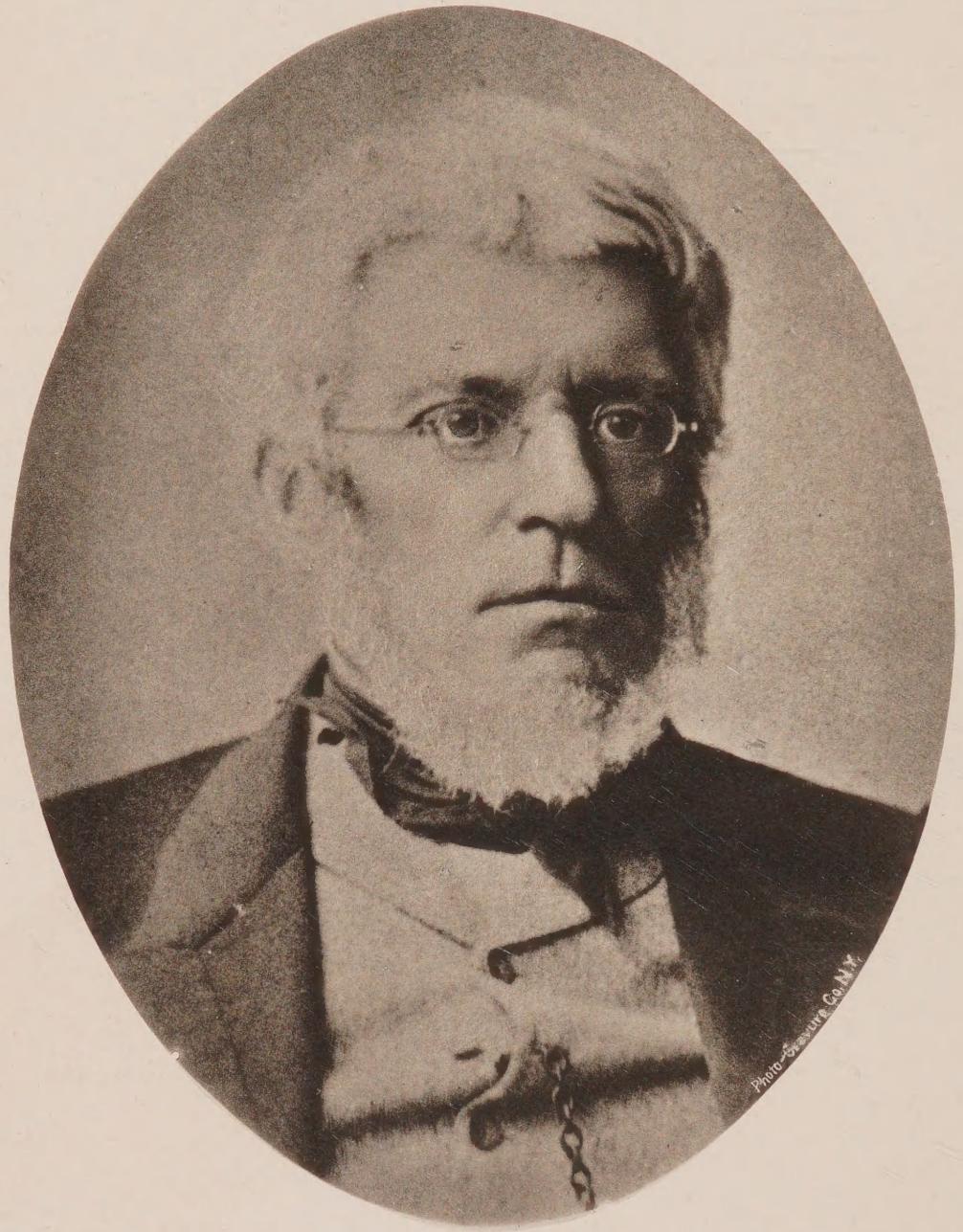


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ISAAC RAY, M. D., L.L.D.

BY CHARLES K. MILLS, M. D.,

President of the American Neurological Association, etc.

At the Meeting of this Society held December 8, 1886, I had the honor to ask your attention to the consideration of the life and character of Dr. Benjamin Rush, and particularly to the relation which this great man bore to the early history of American Psychiatry. In a more recent period, but with an even greater renown in the field of, psychological medicine, appears the figure of Dr. Isaac Ray. It is my purpose in the present paper briefly, and I fear, very imperfectly, to recall his character and labors, and it is fitting that this should be done before a Medico-Legal Society, for to him, more than to any other American the science of the jurisprudence of insanity is a debtor.

Dr. Ray was born at Beverly, Mass., January 16, 1807. He began his education at the Phillips Academy, Andover, Mass., and subsequently entered the Bowdoin College in Maine, teaching school during his vacations. He left college because of impaired health before graduation.

Read before the Medico-Legal Society, of New York, April 13, 1887.

Later, he studied medicine in Boston, graduated at the Harvard Medical School in 1827, and started in the practice of medicine in Portland, Me., the same year. In 1831, he married Miss Abigail May Frothingham. Dr. Kirkbride says that while a resident of Portland, he delivered a course of lectures on Botany, at one of which, he first met Miss Frothingham. (Many of the facts contained in this sketch have been obtained from an obituary on Dr. Ray, in the *American Journal of Insanity*, April, 1881, vol. XXXVII, page 481; and from a biographical sketch written by the late distinguished alienist, Dr. Thos. S. Kirkbride, and published in the *American Journal of the Medical Sciences*, N. S., Vol. LXXXII, 1881, page 284.)

He had two children, the first, a daughter, who died at the age of fourteen, the second, a son, Dr. B. Lincoln Ray, an accomplished writer and physician, who died somewhat suddenly, the shock of his death producing a serious effect upon Dr. Ray, who himself died not long afterwards.

I have chanced upon a work by Dr. Ray which does not seem to have been noticed by his other biographers. This is a little book entitled *Conversations on the Animal Economy: designed for the Instruction of Youth and the Perusal of General Readers*, Portland, 1829. This was probably his first professional literary effort of any importance. It is written in the form of a conversation between a doctor and a young girl. It is exceedingly well written, and forms an admirable elementary treatise on Physiology and allied topics. In the copyright notice of this book, occurs the following

curious paragraph, quoted from Galen, which doubtless gives some insight into the character and feeling of Dr. Ray at that time :

"Conversations on the Animal Economy, Designed for the instruction of Youth and the Perusal of General Readers. By Isaac Ray, M. D.—' In explaining these things, I esteem myself as composing a solemn hymn to the Great Architect of our bodily frame, in which, I think there is more true piety, than in sacrificing hecatombs of oxen, or in burning the most costly perfumes.'—(Galen,) Portland. Published by Shirling & Hyde, 1829.

In the advertisement or Introduction to the little book he speaks as follows :

"The increasing taste for the study of the Natural Sciences has created the necessity for an elementary work on the most interesting of them all, the science of Animal Economy, in which everything of a strictly professional nature, and whatever else would be improper for general readers, should be carefully excluded, and the whole rendered intelligible to the minds of the young and the unlearned. To meet this necessity has been the object of the author in the following sheets. To the merit of originality, he lays no pretensions ; but if the manner in which the subject is here treated, shall prove an inducement to acquire some useful and interesting knowledge concerning the noblest of the works of Nature, it is the only merit that it would claim. How far he has succeeded in accomplishing this object, is for instructors and common readers to say. Portland, May 11, 1829."

Dr. Ray removed to Eastport, Maine, about 1829. While here he became interested in the study of insanity. Some of the best portions of his book, *On the Animal Economy*, show the carefulness with which he studied elementary nervous and mental phenomena ; but circumstances which occurred in the trial of certain cases in the courts of Maine, according to Dr. Kirkbride, led him to undertake the preparation of his great work on the "*Medical Jurisprudence of Insanity*," which has passed through numerous editions.

In 1841, Dr. Ray was appointed Superintendent of the State Hospital for the Insane, at Augusta, Maine. In 1846,

he was appointed Superintendent of the Butler Hospital, at Providence, Rhode Island. He visited Europe after his appointment, traveling through Great Britain, France and Germany, and making observations on the principal hospitals for the Insane in those countries. On his return, he gave his close personal attention to the building of the Butler Hospital, which was opened in 1847.

In the *American Journal of Insanity* for 1846, he published the results of his observations in Europe in an article of 101 pages, a valuable contribution to practical psychiatry, as the following list of the subjects considered by him shows : Metropolitan commission in lunacy ; visiting justices, directors, governors, etc. ; officers ; compensation of officers ; site of European asylums ; grounds ; architectural construction ; sleeping rooms ; day rooms ; windows ; floors ; doors ; associated dormitories ; padded rooms ; warming and ventilation ; attendants ; airing courts ; quiet of the European asylums ; restraint and non-restraint ; labor ; amusements and recreations ; schools ; noisy patients ; medication ; religious exercises ; criminal lunatics , size of the institutions for the insane.

He continued as Superintendent of the Butler Hospital until 1867, when he resigned, because of ill health, and moved to Philadelphia, where he continued to reside until the time of his death. His health improved, and during his residence in Philadelphia he was frequently employed as an expert in insanity cases. He died March 31, 1881.

Dr. Ray was a member of many medical associations, and was one of the thirteen superintendents who, in

1844, organized the Association of Medical Superintendents of American Institutions for the Insane. He was president of this Association from May, 1855, to May, 1859. In the College of Physicians, of Philadelphia, and in the Social Science Association, of which he was one of the projectors, he was an active and influential member. He was appointed one of the Guardians of the Poor of the City of Philadelphia, and gave especial attention to the Insane Department of the Philadelphia Hospital during his term of service.

In 1870 he was appointed Lecturer on Insanity in the Jefferson Medical College, of Philadelphia, and lectured in that institution during the spring sessions of 1870-'71, and '72. During the time that he was engaged in lecturing, and partly with the view of illustrating his lectures, Dr. D. D. Richardson, then Superintendent of the Insane Department of the Philadelphia Hospital, gave clinical demonstrations on insanity to medical students at the hospital. This, so far as I know, was the first instruction on insanity given in Philadelphia medical schools after the time of Rush.

In attempting to enumerate the chief ways in which the benign influence of Dr. Ray has been felt, I fear that I am more likely to render scant justice to his memory than to magnify his merits. To him we owe a Treatise on the Medical Jurisprudence of Insanity, which not only has never been rivalled nor approached in his own country, but has scarcely been surpassed in any other. At the time of the publication of the first edition of this great work (1838), he was a very young man, and a recent

graduate in medicine. At that time the English language had not furnished a single work in which the various forms and degrees of mental derangement were treated in reference to their effects on the rights and duties of man ; although in several publications the legal relations of the insane had been considered at greater or less length. His wonderful industry and profound knowledge of the literature of insanity are shown in the fact that in his treatise occur the following references to different authors and cases : British, 146 ; American, 145 ; French, 85 ; German, 35 ; Italian, 2.

The treatise is valuable, among other merits, for the manner in which he has brought to the attention of the English reading public the views of foreign authorities. It has been charged against the work, that it is largely a reproduction of the French and German, particularly the former, but this charge, does not hold good. While he has made use largely of the work of others, he has given due credit always, and has incorporated facts, observations and opinions of his own in large numbers. We owe him, indeed, a debt of gratitude for making us more familiar with the labors of Esquirol, Georget, Gall, Spurzheim, Pinel, Marc, Andral, Hoffbauer, Platner, Ethmuller, Henke, Friedreich and others, of France and of Germany ; as, for instance, in that section of Chapter VII, in which he treats of partial monomania, where a most valuable collection of cases from these authors is, for the first time, brought together. His great fame then will rest upon his extraordinary merits and achievements as a medical jurist. Certainly no American, and

few of any country, have approached him in this sphere.

Some of the chapters in the treatise on the Medical Jurisprudence of Insanity are especially worthy of commendation and admiration. The chapter of Preliminary Views is an admirable historical and critical study. Skilfully, and with the hand of a master both in literature and psychology, is traced the history of the evolution of the criteria of responsibility. The differences between civil and criminal cases are well set forth ; the weakness of the ordinary tests are shown ; delusions and hallucinations are given their proper status ; and, in short, Dr. Ray's review of the judicial opinions and practices which have prevailed, particularly in English speaking countries, is one that has not been equalled even in works of much larger size. The chapter is not merely a catalogue of cases, a dull record of decisions and opinions, but the dry bones of detail are clothed in the flesh and garments of a delightful style, and from within shines forth a spirit both critical, philosophical and mankind-loving.

His was a humanitarian spirit in the best acceptation of this term ; but he was not as has been sometimes said one who saw in every criminal act a hidden insanity. Often he distinctly places side by side the features which enable us to discriminate between acts due to insane impulses and those which are the result of pure depravity or criminality ; for example, he sharply differentiates homicidal insanity from murder criminally committed. His enumeration of the distinction of the two is

sufficient to show the close study which he gave to the subject. He points out that homicidal insanity is committed without sufficient motive, murder with motive, always as a means for accomplishing some selfish object ; that the homicidal monomaniac testifies neither remorse, nor repentance, nor satisfaction, and if judicially condemned perhaps acknowledges the justice of the sentence, while the criminal either denies or confesses his guilt ; that the criminal never sheds more blood than is necessary for his object, while the homicidal monomaniac sacrifices all within his reach ; the criminal lays a plan, the homicidal monomaniac consults none of the usual conveniences of crime ; the criminal flies, the homicidal monomaniac voluntarily surrenders himself, etc..

His discussion of the subject of Moral Mania, general and partial, is of great value, although he sometimes falls into error, including cases under this designation, which are better placed elsewhere. In making this criticism, however, it must be remembered that the advances in the differentiation of the different forms of insanity have been very great since the publication of the earlier editions of his Treatise. Under the head of General Moral Mania, he describes the disease now known as "circular insanity," but in a footnote to a late edition of his Treatise he tells us that since the description given in his text was written "this form of insanity has been described by Baillarger under the name of *Folie à double forme*, and by Falret under the name of *Folie circulaire*."

The following quotation illustrates the clear and log-

ical manner in which he dealt with some of these higher problems of Medical Jurisprudence:

"But whether there may or may not be some small degree of intellectual disturbance in the class of cases referred to, is a question which, practically, is of trivial importance. The main truth will scarcely be denied, that the disturbance of the moral or affective powers is obvious and extensive, while that of the intellect is very slight at the most. The essential question is, not whether the intellect is impaired, but whether the affective powers are so deranged as to overpower any resistance made by the intellect. It is a matter of relative power, and hence it is quite immaterial whether the result proceeds from the impaired intellect, or irresistible activity of the affective powers. To say, in reply, that all crime proceeds from this inordinate force of the passions and propensities, overpowering the conscience and judgment is only to utter a truism entirely irrelevant to the real question at issue, which is, whether this predominance of the moral over the intellectual is, or is not the result of disease? A stronger objection consists in the difficulty of distinguishing sometimes between ordinary depravity and the impulses of disease—a difficulty we are not disposed to ignore. But the difficulty of drawing the line between two classes of phenomena does not prove, certainly, that there is no difference between them. Nature makes no dividing lines, and our divisions override one another at various points. But instead of rejecting all classification, we recognize the difficulty, and endeavor to obviate it by a larger knowledge and deeper insight. Under a mode of criminal procedure, which will permit a satisfactory observation of doubtful cases, we might not avoid all difficulty, but we should seldom commit a gross injustice. Objection has been taken to the name given to this form of mental disorder, and the aid of ridicule has been invoked to add new odium to a defence already viewed with suspicion and distrust. Among those even who admit the thing, are many who regret the name. There seems, however, to be no substantial reason for this objection. The division of the mental faculties into moral and intellectual, is very old and very well founded, and it seems natural and proper that the same names should be applied to their respective disorders. The effect of association, might have been avoided by using the term *affective*, but the thing itself would remain, and there, probably, the objection really lies."

To other portions of this treatise I might refer with profit, but the limits of my essay will not permit of extended analysis. The chapter on Lucid Intervals is a careful, presentation of a difficult and much-disputed subject. In a few pages, he condenses the important facts and infer-

ences with reference to the subject. In this chapter, as in so many other places, he throws the weight of his opinion in support of the views of those who have drawn their inspiration from direct and long-continued contact with the insane. While he does not deny absolutely the possibility of lucid intervals, he shows how careful we should be to distinguish between temporary cures, simple remissions, intermissions or abatements, and genuine lucid intervals.

Dr. Ray has been spoken of as a doctrinaire and an extremist, but no one who has carefully read his psychiatric writings can justly entertain such an opinion. Such charges have been commonly made by those who disbelieve in the stand which he has taken with reference to such subjects as partial moral mania, irresistible morbid impulses, the irresponsibility of certain classes of epileptics, etc. While, doubtless, a strict analysis of his cases will lead to the exclusion of many of them from the list to which he assigns them, many remain to uphold and confirm his views.

It is the fashion also of some physicians and lawyers to speak of men like Dr. Ray as theorists and closet philosophers ; but he was in the highest sense a man of large practical experience and observation. As the sketch of his life shows, he spent many of his best years of his life in the active work of superintending an insane hospital, a work in which he acquitted himself to the satisfaction of all. From one of those who knew him well, I have received some particulars as to his qualities and qualifications as a superintendent, and they were unquestionably of the highest order.

In 1863, Dr. Ray published a small work on *Mental Hygiene*, whose purpose was well stated by its author, namely, "mainly to expose the mischievous effects of many practices and customs prevalent in modern society, and to present some practical suggestions relative to the attainment of mental soundness and vigor."

It is surprising that this work on Mental Hygiene has not recently been reprinted. I do not know of any book on the same topic approaching it in merit. In the five chapters composing the volume, it treats of mental hygiene as affected by cerebral conditions, by physical influences, by mental conditions and influences, by the practices of the times, and by tendency to disease. Each chapter is a finished and polished essay. His facts are well grouped and presented in orderly succession. His views are conservative and yet positive. On every page he shows his wide acquaintanceship with literature, his analytical and philosophical cast of mind, and his practical knowledge by experience of the subjects which he discusses. His language is pure and felicitous, the treatise abounding in beautiful sentences as well as in solid sentiments.

In 1873, he published a work entitled *Contributions to Mental Pathology*. With one or two exceptions, the papers contained in this volume had previously been published in Journals and Hospital Reports. The essays were evidently selected by the author as representing his best work, outside of the text books published by him. All the papers in this volume are of the highest interest and value. That Dr. Ray was far ahead of his and the

present time, is shown in the manner in which he deals in them with some of the profoundest problems of psychiatry, as when he discusses moral insanity, the trial of Rogers, of Baker, and of Winnemore, and when he treats of the insanity of seduced or deserted women, and of certain famous will cases.

The following is a list of the articles contained in this volume :

Address on the Occasion of Laying the Corner-Stone of the State Hospital for the Insane, at Danville, Penn., August 26th, 1869.

Causes of Insanity. Reports of Butler Hospital, 1863, 1864.

Statistics of Insanity. American Journal of Insanity, July, 1849.

Objections to Moral Insanity considered. American Journal of Insanity, October, 1861.

Doubtful Recoveries. American Journal of Insanity, July, 1836.

Delusions and Hallucinations. American Journal of Medical Sciences. July, 1868.

Confinement of the Insane. American Law Review, January, 1869.

The Law of Insanity in Criminal Cases.

The Trial of Rogers. Law Reporter, February 1845.

The Trial of Baker. American Journal of Insanity, July, 1846.

The Trial of C. A. American Journal of Insanity, January, 1856.

The Trial of Cangly. American Journal of Insanity, July, 1865.

The Trial of Winnemore. American Journal of Insanity, October, 1867.

Insanity of Seduced or Deserted Women. American Journal of Insanity, October, 1866.

The Hinchman Case. Law Reporter, August, 1849.

The Parish Will Case. Medical Opinions in the Parish Will Case.

The Angell Will Case. American Journal of Insanity, October, 1863.

Management of Hospitals for the Insane. Report of the Butler Hospital, 1863.

Medical Experts. Read to the American Social Association, at Philadelphia, Oct. 1870.

Insanity of King George the Third. *American Journal of Insanity*, July 1855.

Shakespeare's Illustrations of Insanity. *American Journal of Insanity*, April, 1847.

Illustrations of Insanity by Distinguished English Writers. *American Journal of Insanity*, October, 1847.

In his Contributions to Mental Pathology, we have by no means represented all the Miscellaneous work done by Dr. Ray. The *American Journal of Insanity*, from the time of its establishment to the period of his death contains frequent contributions from his pen. The *American Journal of Medical Sciences*, the *Journal of Mental Science*, and other medical periodicals were also honored by his contributions. In his later years, during his residence in Philadelphia, he frequently furnished reviews of medical works in his own line, particularly to the *American Journal of Medical Sciences*.

The following are such of these miscellaneous contributions as I have been able to find :

Observations on the Principal Hospitals for the Insane in Great Britain, France and Germany. *American Journal of Insanity*, April, 1846, Vol. 2, p. 289.

Legislation for the Insane in Maine. *American Journal of Insanity*, January, 1848, Vol. 4, p. 211.

Butler Hospital for the Insane, Providence, R. I. *American Journal of Insanity*, July, 1848, Vol. 5, p. 1.

A Contract sought to be avoided on the Ground of Insanity. *American Journal of Insanity*, October, 1848, Vol. 5, p. 78.

Project of a Law Regulating the Legal Relations of the Insane. *American Journal of Insanity*, July, 1850 and January 1851. Vol. 7, ps. 92 and 215.

Hints to the Medical Witness in Questions of Insanity. *American Journal of Insanity*, July, 1851. Vol. 8, p. 53.

The Popular Feeling Towards Hospitals for the Insane. American Journal of Insanity, July, 1851. Vol. 9, p. 36.

Trial of Furbush. American Journal of Insanity, October, 1852. Vol. 9, p. 151.

Undescribed Forms of Acute Maniacal Disease. American Journal of Insanity, October, 1853. Volume 10, p. 95.

Etherization in the Treatment of Insanity. American Journal of Insanity, October, 1854. Vol. 11, p. 164.

Insanity and Homicide. American Journal of Insanity, January, 1856. Vol. 12, p. 205.

The Labor Question, and Hospitals for the Incurable. American Journal of Insanity, April, 1866. Vol. 22, p. 438.

Epilepsy and Homicide. American Journal of Insanity, October, 1867. Vol. 24, p. 187.

Homicide—Suspected Simulation of Insanity. American Journal of Insanity, October, 1874. Vol. 34, p. 241.

The Duncan Will Case. American Journal of Insanity, January, 1875. Vol. 31, p. 275.

Dr. Ray's description of the Butler Hospital for the Insane shows his practical ability ; demonstrates that he was able not only to discuss the higher problem of jurisprudence and pathology, but also in the most painstaking way to investigate and record the results of observations with reference to strictly practical matters. This same ability is shown in a few other of his papers, notably in the admirable article on the *Labor Question and Hospital for Incurables* in the *American Journal of Insanity* for April, 1866, extracted from his report for 1865 to the Corporation of the Butler Hospital for the Insane ; in his address on the occasion of laying the corner stone of the State Hospital for the Insane at Danville, Pennsylvania ; and in his reports on the Management of Hospitals for the Insane from the report of the Butler Hospital, 1863.

Dr. Ray's extensive reading is shown almost in all his papers. History, biography, poetry, philosophy, romance, as well as general medical and psychological literature, and psychiatry in its most special aspects, were at his command. One of his nearest friends has told me of the great delight that it afforded him and others to gather around him when he was in his best mood and listen to the stream of information and eloquence easily poured forth on topics of the most diverse character.

His literary style is of a high order of excellence. A uniformity of merit runs through his writings as they extend over a series of years. Close as is the attention which he pays to subject matter, he seems scarcely ever to lose sight of the importance of diction and arrangement. His early as well as his late productions indicate that he paid great attention to minor excellencies of style —to precision of statement; to carefulness of plan; to the avoidance of verbal redundancy and tautology, etc. His metaphors are not mixed nor turgid, his quotations are always apt, and do not have the appearance of being forced or far fetched. Not only in his more definitely literary productions, as in his "Delineations of Shakespeare," but in the strictly technical subjects which he discusses, we see the meritorious characteristics of his style. One of the most delightful of his productions was a little brochure entitled, "Ideal Characters of the Officers of a Hospital for the Insane."

"Dr. Ray," says one of his biographers, "was not a stranger to the treasures of general literature. His very ingenious brochure on the 'Ideal Characters of Hospital

Officers,' suggested by a tractate of the quaint old Thomas Fuller, and read at the meeting of the Association of Superintendents, at Baltimore, in 1873, will be well remembered by many of our readers, as a remarkable jeu d'esprit out of the usual line; and it is not too much to say—as was implied in some impromptu verses made by one of the members on this occasion—that the charming description of the good Superintendent was an unconscious delineation of his own character and career. As the poet says of Socrates, ‘And what he taught, he was.’”

The following is a portion of this description :

“The Good Superintendent observeth and studieth not for himself alone. He recognizeth the right of his professional brethren to participate in the fruits of those opportunities which his position affords. Them he looketh upon as a sacred trust of which he is bound to render a strict account. He, therefore, so ordereth his labors as to reserve some time, even if it be but the smallest fraction of the day, for study and reflection. The more he studies and learns, the more deeply is he impressed with the littleness of his knowledge, and the less he is disposed to indulge in any pride of opinion. While his studies and thoughts are, of necessity, directed chiefly as a special department of the healing art, he is not an indifferent observer of what is passing in the larger field of medical science, and therefore he cultivateth friendly relations with his professional brethren, displayeth an interest in their labors, and endeavoreth to inspire them with an interest in his own.

A few more quotations from his writings will serve to illustrate the charm and beauty of his style:

“*The mind*, as I understand it, embraces all the powers, qualities and attributes, which are concerned in maintaining those relations to other beings that are necessary to our highest welfare. The faculty which investigates the relation of cause and effect is not more truly a manifestation of mind, than the power to love and hate. Whether we meditate on lofty truths, or on the beautiful creations of the painter and sculptor; whether we recognize and revere the claims of superior virtue, or burn with desire to revenge a wrong, whether we yield to the allurements of love, or start with horror from impending destruction—in each and every instance, we manifest some quality of mind. Like the flower, like the insect, like the crystal, like every work of God, the mind is complete and perfect in its kind. Every one of its

powers is designed to accomplish some indispensable purpose, and bears the marks of unerring wisdom. Unlike the works just mentioned, however, it is susceptible of infinite development, whereby it becomes capable of fulfilling the nobler ends of our existence." (*Mental Hygiene*).

"Even where this exclusive cultivation of the ideal power is manifested in a devotion to poetry or the fine arts, the actual performance will always evince imperfections that spring from the neglect of the other faculties. The great poet or painter is far from being a man of one idea. He achieves his position, not more by the flights of his fancy, than by the wisdom that informs and animates his ideas. The Plays of Shakespeare abound with the practical sagacity of Bacon's Essays ; the grandeur of Milton is derived, in no small degree, from his rich and varied learning ; Leonardo, Michael Angelo, Raphael, sounded the depths of philosophy, and their immortal works bear many a trace of their large and liberal culture." (*Mental Hygiene*).

The following is a fine piece of descriptive writing :

(American Journal of Insanity, Vol. 2. p. 309, 1846.
Observations on the Principal Hospitals for the Insane.)

"No one who visits the English Asylums, can help being struck with the beauty of most of their sites, and the good taste that presides over their outside arrangements. Many of them are placed on eminences which command an extensive view of the adjacent country, the field of vision embracing hill and valley, wood and water, in their most agreeable combination, while fields of grass and tillage divided by hedges and trees, grazing herds, cottages and country seats, form the nearer features of a landscape reposing in the softened light of an English Sun. The Leicester Asylum is peculiarly fortunate in its site, which used to be a source of unfailing interest to its inmates, some of them at least who could never tire of the rich variety of the scene around them. The country, too, seen from the asylum at Perth, though marked by the bolder features that characterise Scotch scenery, is perhaps, unrivalled for its beauty, while its interest has been heightened by the witchery of the poet's spell. The Tay and its lovely valley, Scone, high Dunsinane, and the Grampian Hills, invest it with a moral charm, a view of whose lengthened outline stretching far away in the distance, reminds one of those masterly pieces of perspective in Ruysdael's pictures, where the eye ranges along an interminable line of objects which gradually fade away with such a natural indistinctness, that it strains itself unconsciously to penetrate through the deepening obscurity. The site of Jacob's Asylum at Siegburg does infinite credit to the good taste of the monks who selected it for their abode. Perched upon a rock that rises abruptly from the plain, it overlooks a scene of remarkable richness and variety. Below at the base of the rock lies a little village, while further on the country opens into a wide expanse of richly cultivated fields, through which the

Sieg rolls its placid waters. Beyond these to the West the observer may discern the spires of Bonn, and the height of Krewzburg rising behind it, and catch an occasional glimpse of the Rhine, until it is completely shut out of view by the lofty range of the Seven Mountains and the Drachenfels."

Great literary and critical ability, as well as philosophical insight, are shown in such papers as the *Insanity of George the Third*, *Shakespeare's Delineations of Insanity, and Illustrations of Insanity by Distinguished English Writers*, three of the essays found in his contribution to Mental Pathology. In the Shakesperean essay he discusses in a delightful manner the various characters introduced by Shakespeare as illustrating forms of insanity. He shows the pre-eminence of Shakespeare by interesting comparisons with other English dramatists, as Otway, and Beaumont and Fletcher ; although, I must say, that after all, I doubt whether even Shakespeare has given us as perfect delineations of insanity of different types as Dr. Ray, in his enthusiasm, would lead us to suppose. Dr. Ray takes the view that Hamlet was insane, that the case was not one of simulated insanity as was generally supposed down, at least, to times comparatively quite recent. He does not discuss that view of the character of Hamlet which seems to us would best bear the light of analysis, namely, that he was a man really insane, but at the same time simulating insanity of another form —a case of genuine melancholia who puts an antic disposition on.

In his introduction to his essay on the "Insanity of King George the Third," he discusses the possible great evils which might arise from the insanity of the head of the Government, or of any official in high public position.

Speaking of the experience in the past in this respect, he truly remarks that it furnishes no security for the future. In the case of Peter of Russia, the insanity of the Sovereign gave rise to a political crisis and blocked the wheels of government ; and, he says, it is easy to conceive that in a republican form of government like ours, the difficulties accompanying it would be far less manageable than in one where those immediately around the patient are bound to him by ties of loyalty and long association. When, exactly, to interfere, how the interference should be made, when it should cease—these are questions which we cannot doubt, would fearfully try the conservative powers of our system. Recently, in Philadelphia, the insanity of the Sheriff of that city has furnished an example, in a smaller sphere, of the difficulty thus conceived by Ray with reference to the Sovereign or chief of government.

Of Dr. Ray's personal appearance and characteristics, Dr. Kirkbride speaks as follows :

"Dr. Ray was about the medium height, and he did not possess a very robust constitution. His grave and marked features, his abundant hair for many years entirely white, and always somewhat in disorder from his manner of treating it, made him, although of moderate stature, a striking picture whenever he appeared in court or in any deliberative body. And the effect of his presence was increased when he spoke, by the clearness and distinctness of his language, by his dignified manner, and by the conviction which his impressive mode of treating a case, rarely failed to bring to his hearers, that they were listening to one who was thoroughly familiar with his subject, and whose testimony was based on a careful study of the case, and an earnest desire to arrive at just conclusions in reference to it."

"Although to a stranger, Dr. Ray's manners might at first seem somewhat austere, this opinion would be corrected by a short acquaintance. With his intimate friends and associates he had the most genial qualities. His conversational powers were quite remarkable, for he talked well on every subject, and what he said was interesting alike to the gravest judge,

to the most profound specialist, and to the little children with whom he was always a favorite. His ability of adapting himself to the society he was with, was indeed one of the striking features of his powers of conversation, which have not often been surpassed. Those who knew him best, loved him most and appreciated most highly his varied traits of character, his gentleness and firmness, his unselfish interest in his fellow-men, and his readiness to give his valuable time for the benefit of those who were in affliction and sorrow."

Dr. Ray's discourse on the *Life and Character of Dr. Luther V. Bell*, read to the Association of Superintendents of North American Institutions for the Insane, at its annual meeting at Providence, R. I., June 10th, 1863, is an admirable example of an able biographical discourse. While, in many respects, an eulogy, it shows also a critical spirit. Much that he says of Dr. Bell could with fitness be applied to himself, particularly the following paragraph : "The moral endowments of Dr. Bell were no less concerned than his intellectual, in making him a useful man and an honor to his race. A love of the right, the true and the good, irrespective of all conventional distinctions, was the vital principle of his moral life. A mean, sordid, or dishonorable act was as remote from his nature as the poles are asunder, and his conduct was habitually governed by motives of the most elevated character. If his extensive knowledge of men prevented any childlike faith in human rectitude, it did not limit his indulgence to their faults, nor lead to a cynical distrust of all apparent virtue. His professional duties brought him in contact with all sorts and conditions of men, thus making him familiar with the darker aspects of our nature, but such experience did not harden his heart. It rather led him to look on vice and crime as a

subject of curious and most important study with reference to their proper treatment by governments and individuals, which, he was disposed to think, should embrace but little of the vindictive element. To this view he was led, not more by his views respecting the relations of vice to organic imperfection, than by the all-pervading kindness of his nature."

SOME ASPECTS OF THE DRUSE CASE.

BY E. W. CHAMBERLAIN, Esq.

Of the New York Bar.

Sturdy old D. M. Bennett, who was imprisoned for his religious opinions, used to say, with sententious vigor born of his severe experience, that “Justice is a very dear article, and then one is very likely to be imposed upon in the quality.” As the gap widens between progressive thought, impelled by scientific discovery, and technical justice retarded by ancient precedent, the inadequacy of our present judicial methods becomes more and more glaringly manifest, and it is more and more apparent that the quality of our justice is better suited to a past age than to our own times. It has, however, long been a standing argument, and, perhaps, not the least cogent one, against capital punishment that judicial proceedings are too fallacious to warrant determinations upon which human life may depend, and this argument never was fortified by stronger exemplification than is afforded by the case of Mrs. Druse, whose conviction of the murder of her husband has just been affirmed, in a perfunctory way, by our Court of Appeals, and for the

Read before the Medico-Legal Society, February 9, 1887.

commutation of whose sentence to life imprisonment many humane people are beseeching our Governor. The many cases in which innocence has been demonstrated after it is too late for the demonstration to avail the victim, are no more conclusive arguments against capital punishment than is this remarkable case of Mrs. Druse, for though there can be no doubt that Mrs. Druse actually murdered her husband, there may be many legitimate doubts whether she was morally or legally responsible for the act, and these have been strengthened rather than removed by the *trial* and all its attendant circumstances.

The record in the case contains fourteen solid consecutive pages narrative of neglect, cruelty and foul and abusive outrage endured by this wretched woman from her husband for twenty years. This culminated in a blow, immediately preceding his murder and provocative of it, which he dealt his wife with such violence that her eye was closed for over a week. Three witnesses testify to the effect of this : 1. Mary : "After father struck her she acted as though she was crazy. She acted like a wild person. Her eyes looked wild. She talked very fast. She acted different than I ever saw her before." 2. Gates : "She was excited. She appeared just like a crazy person." 3. George : "She looked wild. She was frightened." Apart from this evidence the atrocious details of the crime are enough to suggest to any thoughtful person serious doubts of the mental integrity of the murderer. The shooting in the presence of witnesses, in the family circle, all the children assisting, indicates a very peculiar psychic condition. No sane woman would

do such a thing without great provocation, and the provocation shown, taken in connection with twenty years of outrage, and the fact that Mrs. Druse had reached a critical period of life (about forty-five years of age) was certainly sufficient to produce insanity.

Maudsley, in "Pathology of Mind," p. 210, says: "When menstruation ceases entirely at the change of life a revolution takes place in the system which favors the production of insanity in those predisposed to it and is sometimes enough to produce it. There is a variety of melancholic derangement occurring at this period which has been described as climacteric insanity. Most women suffer some change of moral character in consequence of the revolution which the whole economy of the constitution undergoes at the change of life." In "Responsibility in Mental Diseases," p. 155, he says: "Now if it were possible in all cases of homicidal insanity to point to evidence of derangement before the outbreak there would be infinitely less disinclination to admit the existence of disease. In most of the genuine cases I doubt not this can and should be done. But if we go on to declare that there cannot be a true case of homicidal insanity, save where antecedent symptoms of disease have been observed, we are certainly going further than we are warranted by either experience or *a priori* considerations. For in the first place authors of weight and authority maintain positively the existence of such cases * * * * Secondly, other diseases sometimes declare themselves in quite a sudden manner * * * * Again, on page 156, he says: "Let it be borne well in mind then

that there are latent tendencies to insanity which may not discover the least overt evidence of their existence except *under the strain of a great calamity* or of some bodily disorder, *and that the outbreak of actual disease may then be the first positive symptom of unsoundness*, the brain in respect of its mental functions differing not in this regard from itself in respect of its other functions nor from other organs of the body in respect of their functions." I think I am not stating it too strongly when I say that the best testimony of the medical profession is to the effect that an excitable woman, however enduring, after many years of cruel treatment from such a source as a husband is predisposed to morbific, if not acute, insanity. Dr. J. H. Oxner, of Rome, N. Y., who has taken much interest in this special case, writes in a private letter concerning the effect of the change of life upon women, "while thousands go over safely, amid comparatively happy surroundings, now and again one dies ; oftener they become broken in health, while some under constant domestic bickerings become insane and never recover ; others under like unhappy circumstances become desperately insane, and their mania spends its force in some desperate deed, to their eternal regret. I can silence women who revile Mrs. Druse, but I cannot convince them. A worthy neighbor told me during treatment for the same 'change of life' that sometimes when things went wrong with her she felt as if she could tear God from his throne. But this is so long ago she has forgotten it." The manner of the disposal of the body was pre-eminently the act of an insane woman. With

the testimony of the children superadded, all the evidence points directly to an unsound mental condition of the defendant, and it is a reproach to the administration of justice that this woman has exhausted all her legal remedies, and been finally sentenced to be hanged, and that up to this time no intelligent investigation has been made, nor even attempted, into the question of her mental and moral responsibility. This woman was poor, and lacking means to adequately prepare a defense, which requires great elaboration and expense, and which is at all times unpopular and difficult of explanation to the average juryman. Her counsel, in the exercise of their best discretion, thought it prudent to forego a defense which, when incompletely presented, surely works disaster, and resolved to rest upon other grounds. They cannot fairly be censured for this. Their position was a difficult one. Overwhelmed by a morbid prejudice which pervaded the whole community and clamored for a victim, their skill was of little avail, without the fairness which we have a right to expect in a court. It was the duty of the judge, whose attention had been called to these facts, to save this woman from death, or at least to make some effort to ascertain her true condition. The old law books tell us that it is the duty of the judge to protect the rights of the prisoner to the uttermost, but we have drifted far away from this principle, and it seems to be now considered quite a feather in the cap of a judge if he can by any means, fair or foul, procure a conviction. There are other features in which this case was grossly unfair, yet this judge is reported as saying

that he is "aware of no reason why an application for commutation of sentence should be granted." If a trial is a search after the truth of a matter, the most important part of this trial has been omitted, namely, the inquiry into the sanity of Mrs. Druse, and until it is proven beyond all question that she was morally responsible for her acts, it will not be well for the State to proceed to extremes in her case. The safeguards of life and liberty are already too few, and the people will resent the unwarrantable and wanton taking of life upon such superficial judicial proceedings. The Governor has been badly advised in this matter, and reconsideration is in order.

The Governor and the jury appear to have been influenced by the proof that the woman was quarrelsome, resentful and provoking, but the fact is ineradicable that she was of a kind, gentle disposition before marriage, whereas her husband was vindictive and cruel before marriage. There is abundant proof that she was driven by daily mistreatment into a condition in which her desire to slay her persecutor was uncontrollable. She belonged to a rural population, in which labor was as hard for the human as for the other animals. As between the wife and children in the house and the horses and cattle in the barn the latter had probably the easier time of it. Work was all of life for her, and at length the unnatural life had its bloody result, and she was changed by hard labor and ill treatment from a well-intentioned woman to a murderer. She did not kill her husband for the sake of another man, for self aggrandisement, nor for

money. There was no concealment in the act. Before her children, who had witnessed his brutality to her, in a frenzy, she did what any poor, hunted, desperate, suffering creature would be most strongly tempted to do—she ended the chapter of her ever present misery by rendering the cause of all her wretchedness powerless to do her further harm. If a man should cruelly beat another's wife and menace her life do you think there could be found a jury of men who would send the first to the gallows when, as her protector, he took the life of her assailant, even if opportunity was afforded after the first hot flush of indignation had cooled and in the eye of the law the act was deliberate? I do not think such a jury could be found. If a husband who resents outrage to his wife by taking life is guiltless of murder in the first degree, then, according to the verdict in the Druse case, because a brutal man was her own husband he had the right to beat and abuse her. Having no other husband to defend her, or resent an outrage, she must die for doing herself what many women could have done for them by their protectors. In other words, the law justifies a man for cruelty to his own wife but not for cruelty to another man's wife.

Let us now give attention to Governor Hill's opinion refusing to commute sentence. He opens with a common place too frequent in such documents. "It is conceded that she has had a fair trial before an impartial jury of the County of Herkimer. Who concedes this? Mrs. Druse does not. But if she did, can we be sure that it is not to obtain some privilege or necessity which she

may consider to depend upon her making such an admission ? Is she a fit judge of what is or is not a fair trial, and is she a proper person to make such an admission ? Do her counsel concede it ? I think not. There are many situations in which politic and judicious counsel may be so anxious to avoid exciting opposition as to apparently yield much, but in this case such a concession would be yielding too much, and I doubt if counsel wish to be unqualifiedly understood as binding themselves by such an admission. Do the applicants for her commutation concede it ? Emphatically no. The Governor's assertion that the trial was fair is gratuitous and misplaced. It is a weakness in a judge to try to cover up his own shortcomings by saying to a condemned, who is not in a position to answer back, that his trial has been fair, and it is weakness in the Governor to make use of such language here. But the trial of Mrs. Druse was certainly very unfair in several particulars. It was especially unfair in this, that no man or body of men could fairly judge of this offense committed by a miserable abused wife and mother, nor conceive the fearful struggles of the creature with what sense of right she possessed, during long years of overwork and abuse ; during periods of physical weakness peculiar to women, when she needed care and kindness. There was no one on the bench, at the bar nor among the jury who could regard nor even understand the plea her sufferings made for her. She was not tried by a jury of her peers. Again, the ordinary juror is subject to all sorts of influences *dehors* the merits of the case. There can be no doubt that the public discussion of the

revolting details which followed the murder exerted a considerable influence upon the jury. A fairer trial might undoubtedly have been had anywhere else than in Herkimer County. It is a sound and wise rule of law that in criminal cases the jury are paramount judges of the law as well as of the fact. The insane anxiety of judges to gain convictions has led to the overlooking of this rule. Practically, it is obsolete, and juries knowing nothing of it, go on mechanically and stupidly grinding out convictions. It should be the business of the judge in every criminal case to lay down this rule, and to explain to the jury the rationale of it. Failing this, the trial of Mrs. Druse was unfair.

The Governor then says, "The defendant was not sworn in her own behalf at the trial nor in any preliminary examination." Does this operate to her prejudice? She was under the control of her counsel, and they had a delicate task to perform. Shall we blame them because they declined to submit an ignorant client to the keen handling of a shrewd attorney, prepared by study and long practice, to turn everything to his advantage, and fortified with the power and wealth of the county? Did they mistake in deciding as they did? No. But if they did make a terrible mistake in the exercise of their judgment, would not that be a reason for the Governor's mercy. The statute expressly provides that "the refusal or neglect to testify does not create any presumption against a defendant" (Code of Criminal Procedure, Section 393). Was the Governor's mind free from such presumption? If yes, why does he mention this circum-

stance at all? The recital in the Governor's opinion of recent cases of murder, is an admission that hanging does not prevent murders, and the brief respite he grants seems, under the circumstances, little more humane than the antics of a cat with a captured mouse.

This whole business of crime and punishment needs remodelling. The punishment of one murder by another is unworthy of our times. It is revolting, and the enlightened spirit of the age cries, "Away with it." When Mr. Bennett was convicted, Charles Bradlaugh wrote from his home in England, "I hope this conviction may be *the last of its kind in America.*" The same wish comes fervently from my heart when I think of the conviction and sentence of Mrs. Druse. I hope it may be the last of its kind in America. By the proceedings in the Druse case, all confidence in the integrity of judicial proceedings is swept away. There is something terrible in the recklessness of it, and there is a growing and oppressive sense of the threat it conveys to each citizen of our land. The interests of good government, the preservation of order and the sacredness of human life demand that this conviction and sentence be the last of their kind in America.

A SIMPLER AND MORE INTELLIGENT CLASSIFICATION IN MENTAL DISEASES, IMPORTANT.

BY PROFESSOR J. J. ELWELL.

*Corresponding Member of the Medico-Legal Society,
Cleveland, Ohio.*

To the President of the Medico-Legal Society :

Your courage is admirable in the vigorous attack you are making upon the wild nomenclature now in use ; but I fear you will find it so strongly entrenched and deeply cherished that the works of Hercules were mild recreation compared to your undertaking. More than twenty-five years ago I assailed this hoary-headed iniquity, and have followed it up occasionally ever since with but little if any effect. Behind the entrenchments you will find confronting you, encamped, one hundred thousand medical men in this country and as many more in other English-speaking countries, not to name foreign nations like France and Germany, who have been taught to adopt, guard and propagate, not only the present classification under consideration, but the traditions, prejudices and scholasticism of the dark ages—especially Greek and Latin, where the English language should be used. The same class of evils still

exists in Medicine that was found in Law until recently. In law-pleadings, writs, all codes, statutes and the like, the custom has changed, and they now are written in English.

It is not long ago, when the common people could not read the sheriff's notice as printed (nor the sheriff himself, for that matter), informing them that their farms were to be sold. All this is now changed in law, and the same radical reform is needed in Medicine. The nomenclature, prescriptions—in short, the language of Medicine should be written and spoken in such language as the people, for whom it is written and to whom it is spoken, can understand. It is strange with what a grip this pedantry was long retained in the Law, and how it is still guarded in some departments of Medicine—notably in the classification of insanity, and in prescriptions. After long special study the medical man can, of course, master the foreign element and symbolism of his profession; but the learned men of other professions cannot, without the same special preparation, much less the great mass of the people for whom medicine exists. Neither judge, attorney, witness (unless expert), nor juror, can understand the terms used in the present voluminous and confused classification of insanity, without special preparation or the use of a medical dictionary.

All definitions, classifications, or formulas, on any subject designed to be used by, or necessary to be understood by the people—especially a subject so difficult as that of insanity—should be written or spoken in the people's language, or they are worthless for their

purposes. The English language is abundantly copious, cogent, clear and strong for all purposes, and is fast becoming the language of diplomacy and of the world. The Greek and Latin scholar says : "No, the English is not sufficient for scientific and professional purposes." I think in this he is mistaken. Any proposition or subject designed for the use of the people, should be expressed in their language, or it may as well be left unsaid, so far as they are concerned. Strip Medicine of its Latin and Greek phrases and terminology, as in the case of the Law—in its statutes, codes and forms. There is no more sense or reason why this pedantry (commonly called scholarship), should be retained in Medicine than that it should have remained in law. You and your Medico-Legal Society will do a great work if you can bring about a similar revolution in Medicine, by reducing its present objectionable nomenclature to simple English, as has been done in the language of Law. In this effort you will have the entire and hearty support of the legal profession. If the reform could once be inaugurated, it could never go back. No lawyer can introduce a Latin or Greek phrase or quotation in addressing a jury without endangering his client's case, and being laughed down. Such phrases are barely tolerated in addressing the court—and even then he runs the risk of a jocular demonstration from his brethren of the bar. Such is the strong tendency to clean English. He who would instruct or influence the people in large masses or to a limited extent socially, politically or professionally, must use their language and be direct and to the point.

It may be thought that I have overdrawn the evil as it is still found and cherished by the medical profession. Let us see if Medicine has kept abreast with Law in letting go old traditions, signs and symbols—reducing them to grammatical English.

You have an insane friend, we will suppose, and go with him to your physician for a diagnosis of his case, and for a prescription. After conversing with you and the patient, he takes from the library one of the latest text-books on the subject under investigation. It is said to be a very learned work and to have reached the second or third edition. In fact, it is “the only systematic work on the subject of insanity since the immortal Rush !” (Preface). In this new and wonderful “work,”—the author of which is a professor, not only of insanity and many other things, but of applied egotism, in a medical college in New York,—your physician finds over thirty groups ; sub-groups, classes, sub-classes ; orders, sub-orders ; divisions, sub-divisions ; genera, sub-genera ; varieties ; sub-varieties, etc., etc., all of which when submitted to a last analysis, to enumerate would bankrupt the multiplication table. Of course your physician turns in despair from this crazy classification of insanity. Other books, some of which I would like to specify, are more rational, but there is the same drift toward endless and senseless nomenclature of Greek and Latin terms. Amid all this world of learned confusion, and in the presence of an insane patient, your physician writes a prescription in the jargon of the books. At the top and of large size, he first writes this strange character “ Rx.”

This is the symbol of the great god Jupiter, and is a prayer to the king of the gods that the medicine may have his favor. If the character means "Take," why not write "take" instead of a symbol? Having thus propitiated the god of gods, he then writes the Greek symbol, "ὢ." Then comes "Octavius" or "O," for pint; "aqua" for water, etc., etc. Which seems craziest the insane patient or the prescription, is a problem you study over as you retire. And yet this is the formula that every man, woman and child gets of a physician when medicine is wanted, if the doctor is a graduate of a medical school. Such papers should be in a museum with the shield of Edward the Black Prince.

The medical profession and the medical colleges are not altogether to blame for this state of things—this temerity with which they hold to Greek and Latin signs and symbols. The Bishops of England do not write their common name in a Christian English, but in Latin. The Bishop of Oxford instead of writing his name as other people do, and adding Bishop of Oxford, uses the Latin cognomen, "Samuel Oxon." And so with them all. Lord Alwyn Compton, Bishop of Ely, writes his name, "Alwyn Ely." Du Chaillu, the great traveler and literary lion, said (he dinnered too much), "A man by the name of Samuel Oxon has just now sent me an invitation to breakfast with him—a man I have never heard of." How was he to know that Oxon meant the Bishop of Oxford? How long will such pedantry and nonsense be tolerated? The late Yale College address to the incoming president, Timothy Dwight, was in Latin, which

could only be understood by a few of the great assembly present. Such a performance would not have been tolerated outside of college walls—why there?

There are, however, cheering signs of a change in college addresses, and Harvard sets the example and breaks through the habits and traditions of two hundred and fifty years. President Eliot delivered his address in good wholesome English. All understood it and all were pleased. Having this significant and successful example of ancient Harvard in breaking through old moth-eaten traditions and customs of centuries, there should be a firm movement along the whole line in favor of simple and plain language; then must follow simple classification, simple nomenclature and simple formulas and prescriptions.

There is no more reason for dividing insanity into thirty or forty groups, classes, orders, genera, etc., with Greek and Latin titles; than that murder, and burglary, or measles and head-ache should be thus grouped and defined by endless Greek and Latin prefixes and suffixes. There have yet never been two cases of murder alike in view of all the circumstances surrounding them and there never will be; nor of measles. The circumstances surrounding each case vary, and in a number of cases, the differences are infinite. Each case is *sui generis*; yet who ever thought of an endless nomenclature for murder or measles? There is no more sense or propriety in running out to a definition every new phase of insanity than doing so in any other disease.

If you can succeed in impressing this simple truth

upon the medical profession; (and I have said, the legal profession takes this view of the case) and upon your international convention you will do a work that will ultimately over-throw the present vicious and middle-age system of classification of insanity, and establish on its ruins a simple English nomenclature that will be both intelligible and useful.

But little help can be expected, I fear, from international conventions, at least so far as the *continent* is concerned. Nevertheless, the English-speaking countries should unite and prosecute the reform you have undertaken, and there is no more fitter or more promising organization to lead the fight, than your Medico-Legal Society with yourself at the head. If it be possible to make an impression upon this long-standing evil, I have no doubt you will do it.

THE PENAL ASPECTS OF SUICIDE.

By L. C. WHITON, Esq.,
Of The New York Bar.

Suicide is defined by the New York Penal Code as "the intentional taking of one's own life." It is my purpose in this paper to consider the Penal statutes relating to suicide, to attempting suicide, and to the aiding and abetting of a self-murderer.

It is with hesitation that I approach a subject that has been so fully and ably discussed already by two of the members of this society, Dr. O'Dea and Mr. R. S. Guernsey; and all that I can promise to do is to supplement their work by some of the more recent decisions on this subject; although to do this even, I am obliged to some extent to cover ground already covered by them.

Many of the ancient writers claim that from a moral and religious point of view suicide need not always be considered as an act of turpitude or as a crime. They have considered the step, as a writer in Blackwood's Magazine tersely puts it, as "an outburst of the universal appetite for calm." And, when we look at the

agonies of grief and pain of many who live around us to-day, we cannot wonder that men who had not the stimulus of a christian trust should have exclaimed, as did Senaca, that while :

"It is cowardly to die to escape suffering, it is stupid to live in order to suffer." Senaca is often called the ablest champion of suicide among the ancients. He says in one of his epistles : "Does life give you pleasure ? Live. Does it not ? Go whence you came. No large wound is needed, a little prick will free you."

There have been many notable suicides among the ancients. Senaca himself committed suicide by opening his veins ; Saul was the first suicide mentioned in the Bible ; Demosthenes took poison ; Nicocles, King of Paphos, starved himself to death rather than submit to the dominion of Philip of Macedonia ; Mithradates took poison ; Lycurgus starved himself to death ; Cato, Anthony and Brutus stabbed themselves.

Its advocates have not been among the ancients alone. Buckle wrote that "Suicide is merely a product of the general condition of society ; in a given state of society a certain number of persons must put an end to their own life."

What he meant by this was that statistics show that the wonderful laws of average govern suicide ; that is, that the number of deaths by suicide per thousand remains practically the same from year to year. This though is not a premise from which an apologist of the act can reason.

Another writer, seeking to demonstrate by this fact

an excuse for the crime says that “society prepares the crime, the guilty man is only an instrument in its execution.”

Others have claimed that it is not characterized as a crime in the Bible. Although it is not specified by name in the Holy Book as a crime, still it is clearly covered by implication by the Sixth Commandment; so Shakespeare evidently thought when he wrote :

“Or that the Everlasting had not fixed
His canon 'gainst self-slaughter.”

No man was ever more overwhelmed with disaster than poor Job, so that his wife advised him to “renounce God and die.” But he said unto her, “Thou speakest as one of the foolish (or impious) women speaketh. What? Shall we receive good at the hand of God, and shall we not receive evil?”

Many attempted apologies of the act are quoted by Mr. R. S. Guernsey in his able monograph on suicide read before this society twelve years ago.

He quotes an Italian, Beccaria by name, who published an essay on Crime in Naples in 1764, who said ? “Suicide is a crime which seems not to admit of punishment properly speaking, for it cannot be inflicted but on the innocent, or upon an insensible dead body.”

“In the first case it is unjust and tyrannical, for political liberty supposes all punishments entirely personal ; in the second, it has the same effect, by way of example, as the scourging of a statue. Mankind loves life too well ; the objects that surround them ; the seducing phantom of pleasure and hope,—that sweetest error of

mortals, which make men swallow such large draughts of evil mingled with a few drops of good,—allure them too strongly, to apprehend that this crime will ever be common from its unavoidable immunity."

Hume has endeavored in an article on this subject to show that the act of suicide is justifiable and says "that it would be no crime in me to divert the Nile or Danube from its course, if I could ; where, then, is the crime of turning a few ounces of blood out of its natural channel."

Rousseau in his *Nouvelle Heloise* says : "The more I reflect upon suicide, the more I find that the question reduces itself to this fundamental proposition ; to seek one's own good and avoid one's own harm is, in that which hurts not another, the law of nature."

Both of these writers introduce into their arguments the false premise that suicide is not an injury to others, but only to the deceased.

It has been thought that "The Bridge of Sighs," written with the sole object of evoking charity for the despised, has yet, with a certain class tinged suicide with a halo of romance, and afforded a justification of cowardice and crime to the unreasoning and hysterical.

In certain instances suicide has been expressly recognized and authorized by law. The Grecian Areopagus and the Magistrates of the Island of Ceos had discretionary power to permit suicide ; and the council of an Ionian Colony at Marseilles kept a preparation of hemlock to administer to those who showed them good reasons for taking their own lives.

Justinian lays down the law that it is lawful to commit suicide, provided the State or public treasury is not affected thereby ; but if an accused person committed suicide, his effects were confiscated. "But this confiscation was no punishment of suicide, as a crime in itself, being then only to take place when the crime committed incurred the confiscation of property, and when the person accused of it would have been found guilty."

(*Anat of Suic.*, Winslow, p. 25.)

Under the Roman law suicide was legitimatized if resulting from disgust of life, sickness or bodily pain, grief from loss of relatives, disgrace from insolvency, desire for posthumous fame, fury or madness ; but was illegal if committed *without appreciable cause*, or from remorse for crime or from an effort to escape sentence, in which last cases the act was followed by the confiscation of property. If a Roman soldier without cause made an unsuccessful *attempt* to commit suicide, he was punished with death.

Notwithstanding the views of many of the ancients were not in opposition to suicide ; the majority viewed the act with abhorrence.

Aristotle said that : "Courage is the mean between fear and rashness, while suicide is the union of both."

Zoroaster said that : "It is forbidden to quit a post without the permission of the Commander. Life is the post of man."

Virgil thus describes the place of punishment of a suicide :

“ The next in place and punishment are they
Who prodigally throw their souls away ;
With late repentance they would now retrieve,
The bodies they forsook and wish to live.

And among modern poets, Dryden thus tragically describes the fate of the suicide in the lower world :

“ The slayer of himself, too, saw I there,
The gore congealed, was clotted in his hair.
With eyes half closed and mouth wide ope, he lay,
And grim as when he breathed his sullen soul away.”

Winslow, in his valuable work on the Anatomy of Suicide published in London, 1840, tells of a criminal at the Old Bailey who asked the Bench : “ Am I to be hanged for stealing sheep ? ” “ No,” replied the judge, “ you are not to be hanged for stealing sheep, but that sheep may not be stolen.”

Not to punish the insensible cadaver of the self-murderer have various penalties been prescribed for this crime, but in order that thus the abhorrence of man at the act, and the criminality of the offense, may be demonstrated and thereby others deterred from its commission. This brings us to the consideration of the

FOREIGN PENAL LAWS (ANCIENT AND MODERN) RELATING TO SUICIDE.

In Thebes no funeral rights were granted the *felo de se* and his memory was branded with infamy.

In Athens, the hand of the self murderer was cut off and buried apart from the body, which was also immedi-

ately buried without being burned, for to burn the body of a suicide would be a pollution of the holy element of fire.

Plutarch tells us that there was an epidemic of suicide by hanging among the Milesian virgins, which was finally put an end to by dragging through the streets the naked body of every young woman who hanged herself. (Winslow 179).

During the reign of Tarquin, an epidemic of suicide, by jumping off the Capitoline Hill, was prevalent. This was stopped, by the King exposing the bodies of the victims upon crosses for the birds of prey to feast on.

Guernsey informs us that a standard work on Jewish Law says that :

“If any one in anger shall be seen to throw himself from the roof of a house, or to commit suicide, there shall be no mourning observed nor *Keriah* (rending of the garments), nor any office performed in honor of the dead, as in other cases.”

This brings us to the Middle Ages at which time the civil and ecclesiastical laws were so intermingled, that it is hard to distinguish between them.

It was an old English saying that :

“ When all the blandishments of life are gone,
The coward sneaks to death, the brave live on.”

An examination of the early English Canons which are collected and quoted in full in an appendix to Doctor O’Dea’s Work, shows that suicide was first pronounced a mortal sin at the Council of Arles in the year 452.

This was followed by a canon promulgated at the council of Braga in the year 563, which stated that suicides should have no burial service and no hymns were to be sung at their graves. They were to be buried in manner like to those who underwent capital punishment. This canon was again reaffirmed at the Council of Auxerre in 578, and at Troyes in 886.

In 967 under King Edgar, a law was promulgated classifying suicides with robbers, murderers and traitors and visiting the same punishment upon each. This law was affirmed at the Council of Nimes in 1184.

Among the laws of Henry III. of the year 1013 we find this enactment.

“ Let him who hath murdered himself be fined in all his goods to his Lord, let him find a place of burial neither in the church nor the church yard, unless ill health and madness drove him to the perpetration. He who kills himself through weariness of life or being impatient of pain and grief, shall forfeit all his movable or personal estate though he is permitted to have an heir to his lands or real estate, * * * but the madman, or the idiot, or the infant, or the person under such acute pain as to produce temporary distraction, who kills himself shall forfeit neither lands nor chattels, because he is deprived of reason.”

A similar law was enacted during the reign of Charles the Fifth.

From the diary of Robert Birrill, of Edinburgh, under the date of February 20th, 1598, we find the entry that upon that day “ Thomas Dobie drownit himself

beside the (Holyrood) Abbey and upon the morne he was harlit throw the towne backward and thereafter hangit on the gallows."

(Dr. O'Dea on Suicide, 134).

In the last century it became a common practice in England to inter a suicide at a cross-road and drive a stake through his body, presumably to prevent his ghost from haunting [the inhabitants of the neighborhood. (4 Bl. Com. 490.)

The last case of cross-road burial is stated to have taken place in the year 1823, at the intersections of Grosvenor Place and Kings Road in the City of London.

(Dr. O'Dea on Suicide, p. 133).

By chapter fifty-two of the fourth volume of the statutes of George IV, this law was altered so that suicides were permitted burial in the church yard or burial place of the parish, but they must be buried without religious rites, between the hours of nine and twelve P. M. and within twenty-four hours of the finding of the inquest.

The case of Hales vs. Pettit, decided in the fifth year of Queen Elizabeth, a report of which is found in Plowden's Reports page 253, contains an interesting discussion by the Counsel of the contending parties as to the time when the forfeiture of the goods and chattels, real and personal shall in the case of a *felo de se* take place, whether immediately before, or immediately after his death. On which point Sergeant Walsh said that "the act of suicide consists of three parts. The first is the imagination which is a reflection or meditation of the

mind, whether or no it is convenient for him to destroy himself and what way it can be done. The second is the resolution, which is the determination of the mind to destroy himself, and to do it in this or that particular way. The third is the perfection which is the execution of what the mind has resolved to do ; and this perfection consists of two parts, viz : The beginning and the end. The beginning is the doing of the act which causes the death, and the end is the death which is only a sequel to the act."

The quality of the offence, to whom the offence is committed, what he shall forfeit and at what time the forfeiture shall commence is also discussed.

Lord Dyer said as to the first point that "Murder is the killing of a man with malice prepense, and here the killing of himself was prepensed and resolved in his mind before the act was done, and also it agrees in another point with the ancient definition of murder, viz., that : '*Murdrum est occulta hominum occisio, nullo praesente, nullo sciente;*' so that always he who determines to kill himself determines by the instigation of the Devil to do it secretly, *nullo praesente, nullo sciente*, lest he should else be prevented from doing it. Wherefore the quality of the offense is murder."

"As to the second point, it is an offense against nature, again God, and against the King. Against Nature, because it is contrary to the rules of self-preservation, which is the principle of nature, for everything living does by instinct of nature defend itself from destruction, and then to destroy one's self is contrary to nature, and a thing

most horrible. Against God, in that it is a breach of his commandment '*thou shalt not kill*,' and to kill himself is a greater offence than to kill another ; against the King, in that hereby he has lost a subject, and he being the head has lost one of his mystical members. Also he has offended the King in giving such an example to his subjects, and it belongs to the King, who has the government of the people, to take care that no evil example be given them, and an evil example is an offense against him."

As to the third point, what shall he forfeit, it was agreed by all the justices that he shall forfeit all his goods, debts and chattels, real and personal.

As to the fourth point, they said that "the forfeiture shall have relation to the time of the original offense committed, which was the cause of the death * * * which was in his lifetime, and this act was felony." On this point the following quaint argument was employed by one of the counsel : "Sir James Hales is dead, and how came he to his death ? It may be answered by drowning ; and who drowned him ? Sir James Hales. And when did he drown him ? In his lifetime. So that* Sir James Hales being alive caused Sir James Hales to die ; and the act of the living man was the death of the dead man. And then for this offense it is reasonable to punish the living man who committed the offense, and not the dead man. But how can he be said to be punished alive, when the punishment comes after his death ? Sir, this can be done no other way, but by divesting out of him, from the time of the act done in his

life, which was the cause of his death, the title and property of those things which he had in his lifetime."

It has been conjectured by the eminent Shakespearean scholar, Sir John Hawkins, that this last argument suggested to Shakespeare the dialogue between the grave-diggers in the first Scene of the Fifth act of Hamlet.

It has also been held in England that an attempt to commit suicide is a misdemeanor.

(Rex. vs. Doody, 6 Cox C. C. 463.)

and the person killing himself, supposing him in his right mind and at years of discretion, is said to be *felo de se* and the offence is committed as well by his unlawful malicious act, the consequence of which is his own death, as by deliberately ending his own existence.

(4 Cool. Bl. 189 Note 9; 1 Hall P.C 412.)

So if a woman take poison to produce miscarriage, and death ensues she is guilty of self murder, and the one who furnished her with the poison is accessory before the fact.

(Rosc Cr. Ev. 7th Am. Ed. 772, Fretwells case ib. 777.)

By the statutes, 33 and 34 Vict. (1870) c. 23, forfeiture of goods is abolished.

In 1879 a statute was adopted that for an attempt to commit this crime, a British Officer was cashiered, a private soldier imprisoned.

In order to avoid a curse and to express utter abhorence of the act, it is said that in the thirteenth century in parts of France and Switzerland the body of a suicide was taken out of an opening in the wall of the house made for that purpose and not through

the door. The body was then dragged to the place of public execution and hung by the feet, afterwards it was cast out to the dogs ; and the personal effects of the self-murderer were confiscated by the civil authorities. In other parts of France, as Lille, the bodies of suicides were burned. In the Province of Toulouse, the sentence was formally pronounced upon the cadaver as a murderer, and his goods confiscated. (Suicide O'Dea, p 129.)

In the]Code Napoleon no reference is made to suicide. Doctor O'Dea tells of a suicide whose dead body was in the year 1749, dragged through the streets of Paris, the face scraping the ground, to the place of public execution, then suspended twenty-four hours, after which it was cast out upon the highway.

There is now no law against either the attempt or the consummation of the act in France, accordingly the following advertisement which appeared in 1880 in the columns of *La Petit Parisien*, was not thought more than extraordinary:

“Suicidal. A young man to whom life is a burden, has resolved to put an end to himself, but wishes to accomplish his death in the most advantageous manner possible. He places therefore the sacrifice of his life at the disposal of any person, who for a suitable sum, would wish to intrust him with an enterprise, the issue of which would be necessarily fatal. This offer is very serious. Write to the initials K. R. V. 48 Post Restante, Anvers.”

In Austria, Denmark, Norway and Germany the laws simply provide that the bodies of suicides shall be buried

without any marks of respect and not buried in consecrated ground.

Miss Bird in her work entitled "Unbeaten Tracks in Japan" says that in that country suicides are of common occurrence. When a young man and woman wish to marry, and the consent of the parents is refused, they often bind themselves together and drown themselves. This is such a frequent offense that the New Code imposes penal servitude for ten years on people arrested in the commission of it."

We come now to the

AMERICAN PENAL LAWS RELATIVE TO SUICIDE.

In 1660, the Colonial Legislature of Massachusetts passed a statute which set forth, that, judging that God called them to bear testimony against such wicked and unnatural practices, and in order that others might be deterred therefrom, they enacted that every self-murderer should be denied the privileges of being buried in the common burying place of Christians, but should be interred in some common highway, where the selectmen of the town which such person did inhabit, should appoint, and a cartload of stones laid upon the grave as a brand of infamy, and as a warning to others to beware of the like damnable practices.

(4 Mass. Col. Rec pt. 1, 432, Mass. Col. Law. year 1672, 137; Anc. Chart, 187.)

That statute, says the Justice in the case of the Commonwealth vs. Mink (123 Mass. 422) though fallen into

disuse, continued in force for many years after the adoption of the constitution.

By a Colonial Statute in the same colony, the verdict of the jury in the case of an inquest on the body of a suicide, must terminate with the following words :

“There and then voluntarily and feloniously, as a felon of himself, did kill and murder himself against the peace of our Sovereign Lord the King, his crown and dignity.”

(Prov. St. 1700-1701, 12 W. III ch. §7 Anc. Chart. 350.)

This was reenacted in substance, after the Revolution, the final words being changed to “against the peace and dignity of the Commonwealth and the laws of the same.”

The case of the Commonwealth vs. Mink (*supra*) decided that notwithstanding the repeal of these colonial statutes, suicide had not ceased to be unlawful and criminal; a *malum in se*, although since a felony had been by statute defined as a crime punishable by death or State’s prison, and in no other way, suicide is not technically a felony.

It has been held in Massachusetts that an attempt to commit suicide is not indictable.

(Commonwealth vs. Dennis 105 Mass 162.)

In several States forfeiture of goods in the case of suicide is by statute expressly abolished. This is the case in New York, Kansas, Virginia, West Virginia and Tennessee. In Dakota the Penal Code (sec. 229), declares that “although suicide is deemed a grave public wrong,

yet from the impossibility of reaching the successful perpetrator, no forfeiture is imposed."

A similar provision is found in the Criminal Code of the State of New York (Sec. 174.)

An attempt to commit suicide is a crime according to the Criminal Codes of New York and Dakota.

In New York it is punished by imprisonment not exceeding two years, or by a fine not exceeding one thousand dollars or both.

In a recent case, the General Term of the Supreme Court Third Department, decided that suicide, or the successful attempt to commit it, is not made a crime by the New York Penal Code. Attempting suicide is made a crime (Sec. 178), but the attempt to commit suicide, if successful is suicide, and no crime, but only "a grave public wrong," but if unsuccessful is a crime. It then follows that in an attempt to commit suicide, the success of the attempt does not consummate the crime, but avoids it.

The Presiding Justice Learned, in a dissenting opinion says that by the Penal Code, an attempt to commit suicide is a crime, and if a man die from an attempt to commit suicide, he dies directly in violation of a criminal law of a State. "The man who attempts to commit murder is none the less guilty if he himself be killed in the attempt and if he therefore cannot be punished, the same reasoning is true of the self murderer." The decision of this case by the Court of Appeals will be watched with interest. I cannot but believe that this Honorable Court

will sustain Judge Learned, and overrule his two associates.

(New York Supreme Court, December, 1886, Darrow vs. Family Fund Society, 3 N. Y. St. Rep. 745.)

I come now to the final division of my subject.

The penal statutes relative to the rendering of aid or assistance to a suicide in the commission of the deed.

Guernsey says in his work that, among the German States, Brunswick, Thuringia, Baden and Saxony alone punish those who are accessories to suicide and the Penal Code of India has also a penalty (p. 32).

In England it has been decided that if two persons agree to kill themselves, and one survives, the survivor is guilty of murder.

(Rex. vs. Dryson Russ and Ry., 523.)

(Reg vs. Alison and Car, p. 418.)

In some of the United States, this is by statute made a crime.

In Arkansas assisting another to commit suicide is murder. (Code Sec. 1523.)

According to the California Code (Sec. 400.) Aiding advising or encouraging one so to do is a felony. According to the Dakota Code "In any manner advising, encouraging or abetting, assisting or aiding one to commit suicide, or wilfully furnishing another with a deadly weapon or poisonous drug with which he kills himself, renders one liable to imprisonment for not less than seven years." In Kansas it is held to be manslaughter in the first degree.

THE PENAL ASPECTS OF SUICIDE.

In Massachusetts, it has been decided that if one counseled another to commit suicide, and the other by reason of the advice kill himself, the adviser is guilty of murder as principal.

(Commonwealth vs. Bowen, 15 Mass. 355.)

And in Ohio it has been said that one who furnished poison to a person for the purpose and with the intent that she should with it commit suicide, and she accordingly took and used it for that purpose, or if he did not furnish the poison, but was present at the taking thereof by the deceased, participating by persuasion, force, threats or otherwise, in the taking thereof, then in either of the cases supposed, he administered the poison to her, and was guilty of her death.

(Blackburn vs. State, 23 Ohio St. 146;)

Forfeiture of goods and all attempts to punish the body of the self murderer are universally abolished as serving no purpose and inflicting the punishment on the innocent survivors of the dead criminal.

“ Though here a mountain murmur swells
 Of many a dark bough'd pine,
 Though as you read you hear the bells
 Of the high pasturing kine,
 Yet through the hum of torrent lone
 And brooding mountain bee,
 There sobs, I know not what ground tone,
 Of human agony.”

Oberman.

“ Revenge triumphs over death, love slighteth it,
 Honor aspireth to it, grief flieth to it.”

Bacon.

And in the midst of this human woe reason will often be dethroned, and the moral sense blunted and there will always be those

“ Who will fling their own loads off
And leave their fellows toiling.”

George Eliot.

PRISON LABOR AND PUBLIC UTILITY.

L. L. SEAMAN, M. D., L.L.B.

Late Chief of Staff of the Blackwell's Island Hospitals and Penitentiary.

The published reports and procedures of Prison Associations, State and National, have year by year reached a wider circulation and a deeper influence. The philanthropist and sociologist, who have labored in the elucidation of these perplexed questions, are no longer set down as dreamers and doctrinaires, but take unchallenged place among the recognized workers for the commonwealth.

It was a long and tedious step between the nebulousness of theory and speculation, and their crystallization into popular conviction and statutory enactments. During this period of suspense or incubation certain ancient truths which had long dropped out of political economy, were brought to light afresh ; chief among which are the essential solidarity of society, the incorporation of all men into a common body or fellowship, the rich and poor, the good and bad, the wise and foolish ;—that no man lives to himself or dies to himself ; that thrift and poverty and evil can neither be isolated nor localized, but live and move and have their being and vitally rooted

affiliations with the whole body politic, or as we choose to name it, the commonwealth.

So we have ceased to contemplate poverty ignorance and crime as incidental shadows, or excrescences which touch society only superficially or tangentwise. In our autopsies or probings we have laid bare enough of the inner under-currents of social disorders to demonstrate their vital relations with past, present and coming generations. We have identified that mystic touch of nature which makes the whole world kin. We are growing in practical wisdom, and in place of tinkering and pruning the outlying symptoms of a deadly malady, have learned that restorative and regenerative work must begin at the very heart and root of our social existence. We learn that evil and decay are inevitable developments, pointing to a disintegration that all the while warns while it threatens; that conservative and preservative energies lie within reach and to cope with the terrible undertow of heredity, the outrageous stings of fortune, and the baleful inbreeding of ignorance and vice. In short, there is no place for pessimism in our sociology. The constructive and disintegrating forces are at perpetual war, and there is no truce conceivable. There is only room for the conflict, and the Staff of good hospitalers in their labors of healing and restoration.

As a practical out-growth of this new sociology, new measures are being established for the administration of our prisons and penitentiaries. We are henceforth delivered from the huckstering and mistaken policy

which in administering the penalties of broken law, has converted its prison population into colonies of chattels and slaves sold to the highest bidder under a pestilent contract system, which at once and at the same time outrages the prisoners, enriches mercenaries at the expense of legitimate industries, and makes the commonwealth chargeable with inexcusable maladministration of its gravest responsibilities. Under a better policy we may expect that our prisons and penitentiaries shall cease to be propagandists of every social evil, where the State practically undertakes the criminal education of the dangerous classes. There is less of vengeance and savage instinct in current legislation ; for it is felt that every man carries with him, even in the convict cell, the latent possibility of useful citizenship. We are thinking less of the "pound of flesh," the smart and terror of penal exactions, and more of rescuing that latent possibility. We are asking to-day what can be done for the rehabilitation of our prisons population. The experiments at Elmira throw unexpected light on the question. It is there demonstrated that the criminal classes need be neither pauperized nor enslaved, in the interests of justice. What is accomplished at the Reformatory can be attempted at Blackwell's Island, at Sing Sing, at Auburn and at Clinton. While the high percentage of men permanently restored to useful citizenship cannot be looked for under conditions greatly changed, the tide of recommitments can be checked and the number of confirmed criminals appreciably diminished. These results are already being realized in England where an analysis

of criminal statistics exhibits a diminution of the criminal classes in a steadily growing ratio.

From the reports of the National Prison Association of the United States, for 1884-1885, it appears that there are forty-eight State Prisons and Penitentiaries with thirty thousand four hundred and eight inmates, fifty-five County Jails, Penitentiaries and Houses of Correction with fourteen thousand one hundred and fifty-nine inmates; thirty-two Reformatories with nine thousand nine hundred and twenty-eight inmates:—In all one hundred and thirty-five Institutions with fifty-four thousand four hundred and ninety-five inmates.

The problem of the present is such an administration of this department as shall result in the least burden to the community, while it secures the best ultimate advantage of the criminal. It is impossible in developing this question to ignore the Tramp population. This has already become a danger that baffles the sociologist and legislator. It is a prevailing epidemic gathering virulence as it grows. It is a parasitic infection, depleting the vitality of social organization. Repudiating all industries, it is wholly given over to laziness, pillage and debauchery. It already supplies rich recruiting ground for the Nihilist and Anarchist. Once a tramp always a tramp, is becoming a proverb. Here is a widely dispersed army of "vagrant men" which it behooves the State literally to "comprehend" as well as apprehend. Not only justice, but the public safety demands sharp and decisive measures for the suppression of this nui-

sance. Perhaps the tramp has fallen below the reach of industrial invigoration and but a very slender line of demarcation separates him from sheer brutishness. Yet something must be done with him, and what shall it be?

We gather as the concurrent judgment of our Prison Associations, that the wisest employment for the criminal classes lies in the public service, as least likely to debilitate legitimate industries, while it would prove most beneficial to the community;—and this judgment we accept without reservation. While casting about in quest of projects supremely affecting the public well-being, we find sanitary and hygienic measures standing at the forefront; measures in which the great Roman civilization far surpassed ours. Inadequate water supply and defective sewerage constitute the fatality of our city population. Suppose that the problem should one day prove soluble and that Lakes Erie and Ontario should become the inexhaustible reservoir supply, not for the metropolis only, but for the northern and southern chain of growing cities that stretch between the great lakes and tide water. In the nineteenth century there are few impossibilities to science; in the twentieth, there will be less. But to restrict our inquiries to projects already subjected to rigid scientific research, let us take a brief survey of the water supply question now widely discussed in our leading journals and which is in direct line with the purpose of this paper. Fortunately, reliable data are at hand in the elaborate report on ‘A Water Supply for New York and other Cities of the Hudson

Valley, by J. T. Fanning, C. E." The project is none other than a resort to the Hudson River headwaters, with the reservoir facilities and lake supplies in the accessible Adirondack regions. Starting with an elevation of three hundred and fifty feet, it is proposed to deliver through more than two hundred miles of conduit a supply, which, feeding the intermediate towns along the Hudson, shall be distributed in New York and its neighboring Cities with a "head" of two-hundred feet, at an estimated outlay for the first five hundred million gallons daily capacity of fifty-five million dollars. It is sufficient to state the plan in outline, we do not propose to follow the forceful array of facts on which it rests. Many are sufficiently well-known, such as the miasmatic, malaria-breeding Croton water shed with increasing pollution from agriculture and manufactures, and its capricious seasons of drought, endangering a supply demonstrably inadequate at the best. Greater stress might have been laid upon the fundamental insufficiency of the Croton supply, lying at such a slight elevation above the sea level, as to seriously imperil the safety of the great commercial and financial world located below Canal Street; while leaving the larger part of the city without a natural pressure supply above the first or second floor. This deficiency, it may be urged, reacts perniciously against the public health; and as the ratio of the daily delivery of gallons *per capita* diminishes, the public fountains lie unused, and the great hotels, factories and breweries are driven to the costly expedient of

artesian wells, through many hundred feet of solid rock. The inadequacy of the Croton water is yet more evident, even when developed to the utmost limit, when we contemplate a population of ten million within half a century, and a daily consumption of twelve hundred million gallons. If scientific forecast is worth anything, the projectors for the New York of 1930 *must* resort to the upper Hudson headlands or some other region offering an inexhaustible supply.

Such a measure, contemplating the thrift of the Hudson Cities, as well as the metropolis and its neighborhood, assumes the magnitude and importance of a State enterprise and may well look to the State for practical support. Legislation opening the way, the able bodied inmates of Sing Sing, Auburn and Clinton, in organized bands are at hand for the undertaking, reinforced by the incorrigible Tramp vagrants, who, it is taken for granted, are shortly to learn their duty to Cæsar, and pay in their full tribute. Here is a public service, which leaves all artisan industries unfettered by illegitimate competition, while it reduces the municipal and State expenditure to its minimum. The growth of the metropolis is the growth of the State. The report of the State Treasurer shows that New York and her sister City paid over fifty-four per cent. of the total State tax for 1886. The metropolis therefore, has the right to demand assistance from the State, when a question of such vital importance is at issue. The labor of construction is "hard," and convict labor ought to be "hard." But it

is no harder than the labor of building the Erie Canal, which is not the product of convict labor. Granting the postulate of our advanced sociologists, that the legitimate field for convict labor is the public service, the application of convict (and tramp) labor to the construction of such public work as the metropolitan water supply follows as a logical corollary. Besides, there is no scientific or sanitary ground for questioning the ultimate advantage, physical and moral, of such service to the laborers employed.

Whatever cogency there may be in this line of thought, touches quite as distinctly the administration of municipal convict labor. An analysis of the Annual Reports of the Board of Commissioners of Charities and Correction discloses the constant expenditure of vast sums from the City Treasury for the support of able-bodied convicts whose labor is comparatively valueless to the public who are charged with their maintenance. Under the existing system of municipal administration the people can hope to profit little from the usufruct of prison labor. The most superficial reader of current events cannot fail to detect the almost grotesque miscarriage of plan and purpose. Not long ago it became necessary to lay a line of pipes along the entire frontage of the Island Penitentiary, for a sufficient water service. How was it accomplished? Who dug the trenches? While there were more than a thousand convicts behind the bars, eating idle bread at the people's cost, the Commissioners in charge bringing over from the city paid laborers, paid from the

people's treasury, who accomplished the task under the very eyes of the prison population. Plenty of straws may be found any day, telling which way this wind of unthrift and corruption may happen to blow. A neat illustration of the devious ways in vogue is unearthed in the recent official investigations before Commissioner Sherman, during which it was shown that in certain improvements at Hart's Island, involving the building of a "Crib," the people were mulcted out of something like fourteen thousand dollars, the Commissioners actually supplying stones and labor already stipulated and paid for under the contract with the builders, this shrewdly schemed speculation without doubt finding its way to that omniverous, insatiable bourne whence no "divvy" returns. This is a sample of a class of contracts ; "and thereby hangs a tale." And yet what can be looked for from the official conclusions of a "Board of Commissioners" who juggle in their perpetual three-handed game with insolent unconcern, whether the interests of the people, or the safety of the treasury, or the appointment of officials to positions of gravest trust are the stakes at hand. A "Board" which affronts the general conscience of the commonwealth by placing the unseemliest specimen-rogue of the "Bloody Sixth," not in the strongest cell in the tombs, but an official possession of the emoluments and responsibilities of its Wardenship. The "Island" has for generations been the favorite winter resort for the thriftless, idle and abandoned classes who are given over to drink and profligacy. The Police

Stations have long become the lodging houses for the coming and going "Islanders." There are public works constantly demanded by the growing metropolis. Why should not the gangs of brawny stone-cutters and metal workers who deplete the public treasury with their sterile toil on the Island, take in hand the construction of the great system of docks and quays, which one day are to engirdle the entire water-front of the City? Is there nothing to engage the latent energies of these costly excrescences of our civilization in the projected opening of the Harlem River as the great commercial entrepot of the future? There are quarries of building stone all about us waiting for the drill and blast and tool man. Absolutely cut loose from the octopus of political maladministration, what hinders the gradual development of a water front under the regulated labor of convicts, which shall provide for the inflowing commerce of both hemispheres? A permanent prophylactic energy would go with such a project. The habitual drunkard who "sobers up" in the graceful seclusion of the Island, the wife-beater, the bruiser and bully, the petty thief with the accomplished burglar, the pool-seller and the gambler with his pilot fish, the confidence man, with the inevitable ball and chain, and the sturdy toil of the docks and quays, waiting as the inexorable alternative for persistent evil living and doing, oftener would "think twice" in the hour of temptation. The Island prisons would become dormitories for the coming and going squads of convict toilers in the municipal service;

and it is clear that under a swift, certain judicial administration with the liberal substitution of months for "days," and a department of corrections, free from ring-rule, the old-time procession of "rounders" between the Police Courts and the Island would dwindle to insignificance. Meanwhile the detergent properties of even compulsory labor would be developed in the public service, with an energy quite inconceivable under the contract system, which has so long paralyzed the administration of our prisons and penitentiaries.

EDITORIAL.

DEFINITIONS OF INSANITY.—TESTS OF CRIMINAL RESPONSIBILITY OF THE INSANE.—We published in our last issue some answers, sent to the editor of this journal, in response to the following inquiry, sent by him to Alienists, Jurists, Publicists, and Scientists at Home and Abroad, as well as a considerable number of definitions of insanity, from dead as well as living authorities.—The inquiry was as follows :

MEDICO-LEGAL JOURNAL ASSOCIATION,
Office of the Editor,
No 57 Broadway,
NEW YORK, 1887.

DEAR SIR:

Please give me your idea of the best definition of insanity under our present knowledge of that subject.

Also what in your judgment should be the legal test of criminal responsibility for acts committed by persons suffering from any form of mental disease. I am making a study of these topics, and would feel greatly obliged for your views.

Very faithfully yours,

CLARK BELL.

We continue the publication of the replies received as well as additional definitions we have collected, also upon the legal tests, of what should determine the measure of responsibility for the insane in criminal cases.

DR. ABERNETHY,—

Defines insanity as "The loss of the faculty of attention."

JOHN ABERCROMBIE, M. D.,—

"Insanity is a disease of the brain affecting the mind," he says "but this does not express the essential feature of insanity from a legal point of view, viz.: that it is a disease rendering a man irresponsible."

CHANCELLER, D'AGNESSAU,—

"Le fou," dit il, "est celui, qui dans la société civile, ne peut s'elever à la mediocrité des devoirs générales."

DR. BENJAMIN BALL.—(Paris)

Accepts Esquiril's definition of insanity, but defines an insane man thus :

“ Un homme qui, par suite d'un trouble profond, des facultés intellectuelles, a perdu, plus ou moins complètement, la liberté morale, et a cessé par conséquence d'être responsable de ses actions, devant la société.” (Leçons sur les maladies mentales 38.)

DR. BAILLARGER.—(France)

“ C'est la perte du libre arbitre.”

BUCKNILL & TUKE,—

“ Insanity is a disease of the brain (idiopathic or sympathetic) affecting the integrity of the mind, whether marked by intellectual or emotional disorder; such affection not being the mere symptom or immediate result of fever or poison. (Psychological Medicine, p. 21.)

JUDGE BREWSTER.—(Philadelphia Common Pleas, 1868.)

“ Has the defendant in a criminal case, the power to distinguish right from wrong, and the power to adhere to the right and avoid the wrong ?”

G. F. M. D. BLANDFORD.—

“ Insanity is a disorder of the highest organs of the nervous system which unite in the performance of that function, recognized and spoken of, as Mind.”

BALFOUR BROWN,—

Criminal irresponsibility is best defined thus : “ When a knowledge that certain acts are permitted by law, and that certain acts are contrary to law, and combined with this knowledge is the power to appreciate and be moved by the ordinary motives which influence the actions of mankind,” the wrong doer should be held responsible.

DR. CHAS. L. DANA.—

“ Insanity is a disease of the brain in which the physical faculties are seriously impaired.”

JOHN C. SHAW.—

As to the definition of Insanity, I should not attempt one. All those who have made such an attempt have failed to satisfy themselves or others. LORD COKE, in Barnsley, Case 4 Co. 124.

Lord Coke defined in this case the “ four manners of *non compos mentis* ” as follows : 1. Idiot or fool 2 He who was of good and sound memory

and by the visitation of God, had lost it. 3. Lunatics who have lucid intervals, and sometimes are of good and sound memory and sometimes *n compos mentis*. 4. By his own act, as a drunkard.

LORD HARDWICKE, in *Barnsley ex parte*, 3 Atk 168.

" Lunatic is a technical word, coined in more ignorant times, as imagining these persons were affected by the moon; but discovered by philosophy and ingenious men that it is entirely owing to a defect in the organs of the body."

JOHN H. PACKARD.—

Insanity is mental disorder, temporary or permanent, by which the judgment or the moral sense is perverted, or the will weakened, so that the opinions and conduct of the individuals are at variance with the common sense of mankind.

As to the question of responsibility : it seems to me a very difficult one to deal with categorically. I certainly do not think a man should be acquitted of proven crime on the ground that his great grandfather was eccentric, even if his brother was epileptic. Each case must be judged for itself. If there is reasonable ground for doubt as to the sanity of a criminal, I think he should be, not acquitted and discharged, but placed under such control and surveillance as should prevent further damage to society from his want of conformity to received standards of conduct.

Believing, as I do, that the efficacy (whatever it may be), of any punishment depends upon its certainty, I think it would be well if the law should consign a murderer of whose sanity there was ground for doubt to confinement until the doubt should be removed. If he proved sane, the confinement might be made to extend throughout his natural life, and if otherwise, be so far moderated as to do away with its penal character. For other offences, I should approve of the friends being required to give bonds for the maintenance of proper safeguards ; or of the restraint of the individual in some public institution of suitable character, such as does not now to my knowledge exist.

But the subject is one which cannot be dealt with in any brief space. I think the fact of insanity should, if possible, be clearly proved, and then that society should be protected with as little hardship to the individual as may be.

DR. THOMAS K. CRUSE.—

" Insanity is the psychic manifestation of brain disease."

DR. WM. A. HAMMOND.—

" Insanity is a manifestation of disease of the brain, characterized by a general or partial derangement of one or more faculties of the mind, in

which, while consciousness is not abolished, mental freedom is weakened, perverted or destroyed."

Dr. Hammond, in criticising Dr. Cruse's definition, says, in the Journal of Pathological Medicine (vol. 6, p. 272):

"If Dr. Cruse's definition were made to read "*A psychic manifestation of brain disease unattended by loss of consciousness,*" it would probably be more compact, and fully as logical as any extant.

DR. JULES MOREL, ex-President Society of Mental Medicine of Belgium, writes in answer to the queries :

"As to a definition of insanity, I do not feel able to give one at all satisfactory to myself. We must definitely state what is a perfect state of mental health. Many authorities have already essayed this, but it cannot be done in a few lines.

Till now my studies have not allowed me to either frame or accept an accurate definition of insanity.

As to "criminal responsibility of the insane," I believe quite a chapter must be written to properly define it.

Opinions of the most eminent alienists upon this subject differ widely, and they often follow the personal opinions, the religious feelings and the so-called *progress of civilization*.

We have alienists who consider nearly or all criminals, lunatics!"

A WORD FROM SYRIA.

The following communication has been sent to a member of the editorial staff by a friend connected with the Medical Missionary Service of SYRIA.

A WORD FROM SYRIA.—"We are interested in the subject of insanity, and have made many efforts to have an Asylum founded in this country, for nothing of the kind exists in the Turkish Empire. The phase of insanity as developed here will be an addition to your discussion of it in America, and no man in all Syria, perhaps in the Turkish Empire, can find you a more reliable and clean cut treatment of it than Dr. Post. As far as I can understand, the cases here drop into two general classes. Those insane on matters connected with religion, and they are a legion—and those insane from disappointments and trials in life.

"No place of confinement or restraint exists in this country, hence all those considered harmless are allowed their freedom. Those that become violent and dangerous, are *chained in some out-of-the-way hole* and are then

hopeless. I heard the other day of a woman chained to a wall so long that with her finger nails she had scratched almost through the solid stone.

"They also have a way of beating these afflicted mortals when they become very violent."

BEIRUT, SYRIA.

DR. ORANGE, ON MECHANICAL RESTRAINTS FOR THE INSANE.

DR. W. ORANGE has sent us his retiring report for 1885-1886. Submitted May 26, 1886, of the Broadmoor Criminal Lunatic Asylum of England. It contains the following sentence : "*It was not found necessary to employ any form whatever of mechanical restraint during the year.*"

Let Superintendents of Asylums in America and Canada, read and reflect upon these splendid words from the foremost alienist in Great Britain, who retires from active duties near the close of a remarkably successful career, with the confidence of the English Government, and the universal respect of his contemporaries.

PENSIONS BY THE STATE TO DISABLED ATTENDANTS UPON the INSANE.

The same report shows that an attendant at BROADMOOR was struck on the head with a chair and the resulting injury made his retirement necessary.

He had been in the service fifteen years and a pension was awarded to him on his retirement of thirty-eight pounds, twelve shillings and seven pence. We commend this example to our State Legislature, and for two reasons.

1. To make an amount of pension, depend on length of service is promoting good service.

2. Pensioning disabled attendants by law, raises the standard of service, and protects them in case of injury.

If Superintendents of Asylums will support such a measure, we shall urge it upon State Legislatures.

If this be good doctrine for attendants in Asylums, it is also good for Superintendents and medical officers in State Institutions.

DR. ORANGE'S retirement is enforced by an injury he received in 1882 from an insane patient.

DR. GRAY of Utica Asylum, was a similiar case nearer our own doors.

We need not cite others quite as startling and cogent. We favor State pensions to Medical Officers in Institutions for the Insane, disabled by insane inmates, to be regulated by Statute law.

BELGIAN LUNACY COMMISSIONERS.

By a Royal decree of the 3d April, 1887, the Government of Belgium has made an important change in the general supervision and inspection of the Belgian Asylum for the Insane.

Three Commissioners are named by the Crown entitled d'inspecteur adjoints, whose duties are to supervise and inspect the Insane Asylums of the Kingdom.

Each Commissioner makes annually a report of his own labors.

The three Commissioners form a Commission analogous to the English Board of Lunacy Commissioners.

Its powers are quite broad, over the supervision and inspection of the State Institutions, and it is required to make recommendations to the Government, in respect to the internal and domestic management, and to take charge of Statistical matter.

It meets quarterly, and its members preside alternately each year, as well as alternating in like manner in the Secretary's duties, the order of which is fixed by lot.

This Board makes an annual Report to the Government, to which are attached the individual reports of each member.

The Commission named by the decree are :

D. LENTZ, Medical Director of the Belgium Asylums, of TOURNAI.

JULES MOREL, M. D., Superintendent HOSPICE de GUILAIN, late President of the Societe de Medecine Mentale de Belge, of GHENT.

DR. A. VERMEULEN, Superintendent of Female Insane Asylum of "STROP A GAND."

The two former members of this Commission are Corresponding members of the Medico-Legal Society of New York.

INTERNATIONAL MEDICAL CONGRESS.

We hope to see DR. JULES MOREL, the distinguished Belgian savant and alienist, in this country on the occasion of the International Congress.

From recent letters we infer he may conclude to visit our country as well as several other distinguished men

from other countries, also corresponding members of the Medico-Legal Society.

Among those announced as coming are DR. D. HACK TUKE and GEORGE H. SAVAGE, of London.

DR. A. LUTAUD, of Paris, PROF. DR. L. LEWIN of Berlin.

THE BELGIAN SOCIETY OF MENTAL MEDICINE.

This society, at its January session, 1887, made a change in its statutes regarding its officers, and the division of labor among its secretaries.

It decided to have a Secretary, a Treasurer and a Librarian.

DR. F. LENZ, of TOURNAI, was chosen Secretary.

DR. JULES MOREL, of GHENT, was elected TREASURER, and also LIBRARIAN.

MEDICO-LEGAL SOCIETY PRIZE FOR AN ESSAY ON ANY MEDICO-LEGAL SUBJECT.

The Medico-Legal Society of New York, at its May Session, upon the recommendation of its Executive Committee, unanimously authorized two prizes to be announced. First, of \$100.00; second, of \$50.00 for the best Paper on any Medico-Legal subject, to be awarded by a committee to be selected by the President of that body.

The details will be hereafter announced, as well as the names of the Committee of award. Mr. Elliott F. Shepard has contributed \$100 for a special prize and the fund for the prizes is raised by contribution of members.

FEMALE PHYSICIANS IN INSANE ASYLUMS

We think a large majority of those superintendents of American Asylums who have given the subject attention favor very strongly, the placing of the female insane under charge of female physicians.

Among those experienced in charge of the Insane in Institutions, who have publicly avowed it, are Dr. H. R. Stiles, Dr. W. W. Godding, Dr. C. H. Hughes, Dr. D. Hack Tuke, Dr. W. B. Goldsmith, Dr. P. M. Wise, and many others.

The NEW YORK NEUROLOGICAL SOCIETY, while having few superintendents of Asylums among its members, are, we understand, in favor of it.

DR. STEPHEN SMITH, the State Commissioner of Lunacy, strongly favors it.

Some of the States have provided for it by law. The movement was originated by scientific men as a step forward, not only in the advancement of science, but in the welfare of the Insane, and it is not a movement by women as such.

The Pennsylvania plan at Norristown, of placing a woman physician at the head of the female wards, has, under the able administration of DR. ALICE BENNETT, proved in all ways a success. The labors of DR. MARGARET CLEAVES, and of DR. JANE K. CARVER, have received favorable recognition from the profession, so far as we have knowledge.

When general recognition by State authorities, and superintendents of Asylums of the doctrine, that a com-

petent woman Physician should have charge of the female insane is reached, we shall have achieved a substantial and permanent good to the insane themselves, and taken an important forward step in the amelioration of their condition.

DR. H. BUTTOMPH, the President of the ASSOCIATION OF AMERICAN Superintendents of INSANE ASYLUMS, will make his Presidential address, at the coming Session, upon "INSANITY or MENTAL DERANGEMENT, with remarks on its *nature, causes, classification, pathology, and symptomatic forms.*"

The Doctor embraces a wide field and we have no doubt his paper will excite great interest.

BRUTALITY OF ATTENDANTS TO THE INSANE.

A Coroner's Jury after investigation has found that B. G. Peadroe, an insane inmate came to his death at the Illinois Southern Insane Asylum at Anna, Illinois, by injuries inflicted by attendants.

The body was exhumed, and an autopsy showed the left cheek bone crushed and other evidences of violence.

The verdict of the Coroner's Jury in New York on June 15, 1887, finds that George Farrish, an insane patient at Ward's Island, came to his death by injuries inflicted by attendants McCue and Cleary. The post-mortem on exhumation of the body disclosed nine ribs broken, and a tenth displaced, with other marks of violence. McCue and Cleary were committed by Coroner Levy without bail.

The fact that such atrocities can be perpetrated and the bodies buried without the knowledge of the Superintendent in charge in these large institutions, and the attendants kept in place, is a remarkable commentary on our present system. The case of Evans D. Hughes, at Utica is a similar one, and the recent one at Buffalo State Asylum.

What can be done to prevent the recurrence of such atrocities? Superintendents of asylums everywhere should give the subject attention, as these scandals seriously prejudice our citizens against large institutions, where such crimes can be committed and escape even the knowledge of the Superintendents. The evil cannot be as well remedied by legislation as by extra vigilance of medical officers in charge.

It is one of the most important subjects that can come before the National Association of American Superintendents of Insane Asylums.

COLONIAL AND INTERNATIONAL CONGRESS ON INEBRIETY.
—This Congress will be held in London on July 6th at Westminster Town Hall, Caxton Street, under the presidency of Dr. NORMAN KERR, and a list of vice-presidents selected from the English Colonies, America, Belgium, Denmark, France, Germany, Holland, Norway and Sweden.

Dr. JOSEPH PARRISH will read a paper entitled, "Have Inebriates a Climacteric Period?" He sailed June 8th. Dr. T. D. Crothers will read a paper, and the Editor of this Journal a paper entitled, "The Relation of Inebriety

to Insanity." The conference will be followed by a banquet.

STATUE TO GUISLAIN.—The unveiling and inauguration of this statue will be celebrated next month, and the Medico-Legal Society has been invited to take part in the imposing ceremonies.

President Clark Bell has been selected as the representative of that body, and empowered to officially appoint other representatives from our members now abroad or intending to go.

Hon. David Dudley Field, T. D. Crothers and Dr. Joseph Parrish will be appointed as delegates, all of whom are now in England. It will be a notable event for Belgium.

MEDICO-LEGAL PAPERS, SERIES 4 AND 5.—Members of the Society and others who have not subscribed for these volumes, are desired to do so. The list of subscribers at the present time is as follows :

NOTE.—Members and others desiring to subscribe to this movement will please advise the editor of the JOURNAL, or any officer of the Society. The following is the subscription at the date of March 1st, 1887 :

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Wm. G. Davies	1	"
W. W. Strew.....	1	"
Daniel R. Liddy.....	5	"
John G. Clark, Lancaster, Wis.....	1	" Paper
S. S. Schutz, Supt. Danville, Pa.....	1	" Cloth
Ed. Cowles, Supt. McLean Asylum, Mass.....	1	" "
Penn. State Law Library.....	1	" "
New York State Library.....	1	"
J. D. Roberts, M.D., Supt, N. C. State Asylum, Goldsboro.....	1	" "
Judge Calvin E. Pratt.....	1	"
T. D. Crothers, M. D.....	1	"
W. W. Strew, M. D	1	"

Authors of papers will please communicate with the Publication Committee, consisting of R. S. Guernsy, Esq., R. B. Kimball, Esq., and Clark Bell, Esq.

It is hoped that at least 100 subscriptions will be secured, to warrant engaging a publisher.

GROWTH OF THE MEDICO-LEGAL SOCIETY.—We give a list of the members that have been elected since January 1, 1887, including the June Meeting, a little less than six months.

Active Members.

E. B. Shafer, Esq., Cornelius A. Runkle, Esq., Delaney Nicoll, Esq., C. Bainbridge Smith, Esq., McKenzie Semple, Esq., Isaac Angel, Esq., Daniel R. Lyddy, Esq., Amelia Wright, M. D., James M. Lyddy, Esq., Seneca D. Powell, M.D, D. G. Crosby, Esq., Charles H. Tillotson, Esq., Robert Milbank., M D, E. W. Chamberlain, Esq., Henry S. Bennett, Esq., Eliza A. Connor, Chas H. Blair, Esq., Ed. J. Morgan, Jr., M. D., O. H. LaGrange, Esq., Judge Jno. R. Dillon, J. D. Roberts, M. D., Judge J. H. McCarthy, M. Louise Thomas, W. W. Strew, M. D., Ed. J. Cowles, M. D., Louis Livingston Seaman, M. D., Judge A. Dittenhoffer, Col. Ed. C. James, David Tomlinson, Esq., John S. Lindsay, Esq., Wm. C. Burke, Jr., M. D. Hon. Oscar Strauss, Dr. Geo. Knickerbocker, Wm. J. Best, Esq., Eliza M. Mosher, M. D., Lucy M. Hall, M. D., Robert G. Ingersoll, Esq., J. V. Stanton, M. D., Geo. D. Clift, M. D., Ephraim Cutter, M. D.

Corresponding Members.

R. S. Sutton, M. D., Judge Chas. H. Daniels, Hon. D. Lentz, Norman Kerr, M. D., Prof. Paul Kowalewsky, Dr. F. Lentz, Prof. Dr. P. Heger, Senator Andrea Verga, W. H. Taylor, M. D., J. G. Pinkham, M. D., P. O. Hooper, M. D. Chas. W. Moore, M. D., Walter Channing, M. D., Dr. Giulio Chiarugi, Prof. Enrico Torrini, W. H. S. Bell, Esq., Edward Nettleton Blake, Esq., John Kinmot, Esq., Dr. Jose Monteros, making in all a total of 59 new members, two of whom were proposed by Dr. Isaac Lewis

Peet, two by Mr. Albert Bach, one by Dr. S. N. Leo, one by Dr. Fer'd C. Valentine, one by Dr. Chas. F. Stillman, one by Simon Sterne, Esq., and 51 by the President of the Society, Clark Bell, Esq.

THE DRUSE CASE.—We regret that want of space necessitates condensation of Mr. Chamberlain's thoughtful paper on the Druse Case, and compels the omission of several points, which in the paper as read, were elaborated at too great length for our columns. Mr. Chamberlain insisted upon more general education in sexual physiology, and sex relations, as a means of preventing such conditions, as led to Mrs. Druse's crime, and spoke at length of the effect of newspaper reports of executions, upon women, and especially upon pregnant women, and their offspring. He maintained that the infliction of revengeful punishment by the state upon a citizen who has worked out the undeviating consequences of conditions, for which the State is responsible, is as repugnant to good morals, as it is detrimental to good government, and that the authority which punishes crime, without seeking to remove its causes, is brutal, not enlightened. He also pointed out at much greater length than we have been able to print, what he claims was the Governor's misapprehension of his official functions, and characterized as mockery the Governor's suggestion of a bill to exempt women from capital punishment.

The paper of Mr. Chamberlain gave rise to an animated discussion in the Society. The action of the Gov-

ernor being warmly defended by RICHARD B. KIMBALL, DR. J. N. CARNOCHAN, President CLARK BELL, and others.

We incline to the view that GOVERNOR HILL will in future years regret that he did not commute the sentence of MRS. DRUSE.

The popular clamor of citizens of HERKIMER, her past life, or the currents of popular feeling, ought not to control executive clemency. Many of the facts of the case are obscure, but the majority of disinterested citizens of the State, outside of the section where the crime was committed, felt it to be a case peculiarly proper for Executive Clemency.

If it were an error to commute her sentence, it would not have been as fatal as the error of refusing to act, which if a mistake, could not be atoned.

The effect of her execution, when the similar atrocious case of UNGER, who was tried in New York, escaped hanging, leaves an unpleasant feeling in the public mind, and the public conscience and heart would have been more gratified had this unfortunate woman joined others who are now serving life sentences for homicides in prison, rather than to have perished on the scaffold.

PERIODS FOR MENTAL LABOR.

DR. BENJ. WARD RICHARDSON.—In January *Aclepiad* is of the opinion that from five to six hours is the natural limit of mental labor for the healthiest writer, and that it is wiser to divide this with at least one hour of interval for rest between.

DR. RICHARDSON concurs in the view of Mr. EDWIN CHADWICK on this question—that better work can be done by the same writer, by limitation to five or six hours daily, than by an excess of that amount of time.

Seven hours of sleep, he claims, is necessary and that the brain be kept free from stimulants especially alcoholic.

The best proof says DR. RICHARDSON, that the mind is exhausted from mental work, is the omission of words, in the construction of sentences, taking care that it does not occur from haste in composition.

MEDICO-LEGAL SOCIETY OF FRANCE.

The following officers were elected at the December meeting 1886, for the ensuing year.

President. EMILE HOURTELOUP. of the Paris Bar.

Vice-Presidents Dr. A. Motet, Dr. Grassi.

Secretaries. Dr. Socquet, Dr. Le Blond.

MEMBERS OF PERMANENT COMMISSION.

Messrs. Blanche, Benoist, Jules Lefort.

COUNCIL of MANAGEMENT.

Messrs. Chaude, Liouville, Boudet, Falret, Bouchereau.

PUBLICATION COMMITTEE.

Messrs. Lefort, Meginin, Pouchet, Socquet and LeBlond.

DR. JOHN B. ANDREWS, Superintendent of the State Asylum for the Insane at Buffalo, has been named Chairman of the Psychological Section of the Interna-

tional Medical Congress, vice Dr. John P. Gray deceased.

DR. JULES MOREL, ex-President of the Belgian Society of Mental Medicine, has been appointed and accepted the Superintendency of the Hospice Guislain at Ghent, Belgium, Vice Dr. B. C. Ingels deceased.

He has also been elected Honorary Member of the MEDICO-PSYCHOLOGICAL Society of the NETHERLANDS.

DR. P. HEGER, has been elected President of the Belgian Society of Mental Medecine.

NECROLOGY.

HENRY BUIST.

Mr. Henry Buist, one of the most prominent lawyers and citizens of South Carolina, died recently at Charleston. He was born at Charleston in 1829, was graduated from the South Carolina College in 1847 and was admitted to the Bar in 1851. He entered the Confederate service at the beginning of the war as captain in the Twenty-seventh South Carolina regiment, Hagood's brigade. He was captured while charging the breastworks at Petersburg in 1864, and held as a hostage on Morris Island. After the war he resumed the practice of law and achieved large success. He was elected State Senator from Charleston county in 1865, and was a prominent Mason, having attained the highest degree. He was Grand Chancellor of the Supreme Council, Scottish Rite, thirty-third degree, and Inspector General of that order for South Carolina.

Senator Buist was a corresponding member of the Medico-Legal Society of New York, and took a deep interest in its studies. He was a careful student of Medical Jurisprudence, and his loss will be felt among many friends, as well as those of his native State.

JEAN THEOPHILE GALLARD, M. D.

The death of this distinguished man, leaves a vacant place in Forensic Medicine that will not easily be filled. He was General Secretary of the Medico-Legal Society of France from its organization to the day of his death, and was its moving controlling spirit. What Dr. B. C. Engels was to the Belgian Society of Mental Medicine, Dr. Gallard was to the French Society. He was a Corresponding Member of the Medico-Legal Society for many years.

We have received his portrait from his son which we hope to present our readers in the next number, with a sketch of his brilliant and useful life.

PROF. J. S. JEWELL, of Chicago, a neurologist and alienist of distinction, Professor of Neuralgia and Mental diseases in the Chicago Medical College and editor of the *Neuralgical Review*, we regret to learn is dead.

DR. FRANCIS VLEMINCKX, Secretary of the Medical Federation of Brussels, is no more. Dr. Vleminck, was a Medical Jurist of the front rank in Brussels, Belgium, one of the editors of "*Archives l'Anthropologie Criminelle*" at Lyons, France, and for years has been regarded as one of the leading alienists of Belgium.

DR. FERDINAND HAUSKA. We regret to announce the death of this distinguished man, emeritus Professor of Medical Jurisprudence in Vienna, Austria.

MEDICO-LEGAL SOCIETY OF CHICAGO :

The proceedings of the annual meeting, held June 4, 1887, reached us too late for extended notice in the present issue. The following officers were elected :

President, DR. E. J. DOERING.

First Vice, DR. BOERNE BETTNIAN.

Second Vice, ERIC WINTERS, Esq.

Treasurer, Dr. L. L. McARTHUR.

Secretary, DR. SCOTT HELM.

RECENT LEGAL DECISIONS.

PRIVILEGED COMMUNICATIONS.

Rule where the ban has been removed by the consent of the patient.—Though the information acquired by a physician while attending a patient may, by the statute, be given in evidence only at the option of the patient, yet the ban of secrecy having once been removed by the patient, and the information having lawfully been made public, the right to object further thereto has not been conferred.—*McKinney v. The Grand Street, Prospect Park and Flatbush R. R. Co., N. Y. Ct. App.*, 31 Daily Reg., No. 55, 457.

Hypothetical questions properly allowed.—In a prosecution for the murder of an infant child, upon a hypothetical statement of the condition of the body of the child the morning after its death, and also on a *post mortem* examination made four days after its burial, the questions propounded to a physician, examined as an expert: “What, in your opinion, caused the death of the child?” and, “In your opinion is there any disease which would produce death, accompanied by the conditions stated in the hypothetical case, in an infant healthy and all right in every respect at birth?”—were properly allowed and answers thereto were properly admitted in evidence.—*People v. Foley*, Sup. Ct. Mich., 7 West. Rep. 344.

Evidence of commission of another homicide at the same time and place.—Where the deceased was a twin, and both children lay in the same crib in defendant’s room, and both died on the same night and were found dead in the same place in which they had been placed in the evening, and at the same time, and upon both were the same marks of violence, which, in the opinion of the physician produced death; and, so far as the statements, acts and feelings of the respondent is concerned, he had the same motive for killing the one as the other of the children; there can be no question of the competency of testimony tending to show that the smaller infant was killed on the same occasion, and it was part of the same transaction, and that the circumstances of such killing were the same; and evidence of such circumstances was properly admitted.—*Ibid*

Rule to be adopted.—Circumstantial evidence is sufficient, and is often more convincing, of the existence of a fact, than the positive evidence of a witness, who may be mistaken, whereas a concatenation of many circum-

stances, made out by different witnesses, can seldom fail to elicit the truth. But those circumstances should be strong ; each should tend to throw light upon the other ; and the result of the whole should be to leave no doubt that the offense has been committed, and that the accused and no other could have committed it.—*Ibid.*

Evidence to show the relationship between deceased and accused admissible.—On the trial of a defendant for the murder of his wife, by poison, where the evidence shows that she came to her death by poison sent to her by him, and the question is whether it was sent innocently or for the purpose of taking her life, evidence to show the relation between the defendant and his wife, prior and up to the time when she took the poison, is competent. Evidence on such trial that defendant was, at times very profane to his wife, and frequently made threats in a profane way that he was going to leave home, that the last threat was made about three weeks before her death, and that when appealed to by his mother-in-law not to leave or it would break her heart, he replied that she, the mother-in-law, would have more than that to break her heart, is admissible.—*McMeen v. Commonwealth*, Sup. Ct. Penn., 5 Cent. Rep., 887.

Liability of patient to physician on implied promise for reasonable value of services.—Where a consulting physician renders medical and surgical service to a patient with his consent, and without objection or notice services are to be paid for by the attending physician, the law raises an implied promise on the part of the patient to pay him what the services are reasonably worth ; and to overcome such promise, where a different arrangement was claimed to have been made for the payment of such services, it must be proved by satisfactory evidence that the physician knew of it, and either expressly or impliedly assented to it.—*Garney v. Stadler*, Sup. Ct. Wis. N. W. Rep., 787.

TOXICOLOGY.

The Post Mortem Imbibition of Poisons.

BY GEORGE B. MILLER, M. D.

* From the *American Naturalist*, Feb'y, 1886, Vol. 20, No. 2.

The subject is one not only of a highly interesting character to the scientific observer, but also an important one from its medico-legal aspects. Perhaps the questions which very naturally first arise, viz., What is its nature and what are its medico-legal relations? can be best answered by the following hypothetical case, which it is hoped will serve to illustrate the subject in such a manner best calculated to aid in its thorough comprehension.

Suppose a person dies of a natural cause, and is buried in the usual manner in conformity with the established customs of his country, the body to all external appearances not having been tampered with. Also, that, after the lapse of a few weeks, an individual who had previously introduced into the body, per mouth or rectum, a poison or poisonous solution for the purpose of accusing an innocent person of a horrible crime, should quietly circulate a report that the deceased had been poisoned, and intimate that the crime had been committed by such and such a person. With what remarkable lightning rapidity does a report of such a sensational character as this travel from one individual to another, rarely ever finding the doors barred, the contrary being the rule! This report would in a short space of time reach the tribunal of justice, cognizance would be manifested by the proper authorities, who would order the body to be exhumed, the various organs removed and given in charge of a reliable expert, who would subject them to a chemical analysis, which would reveal the presence of the suspected poison. The subject is not of very recent date as many are led to suppose from the meagre accounts given, if given at all, in some of the standard text-books on toxicology of the present day. As far back as the time of Orfila, when he swayed as chief of the toxicologists, was the subject

known, and indeed it appears that almost cotemporaneous with the birth of toxicology, already an account of the subject appeared.

In order to see in what light the subject was regarded in former times, extracts from the writings of a few authors will be here made, as to go over them all would involve a great amount of unnecessary labor. How eloquent is the language of Orfila on the subject, and in what an exceedingly small number of words does he illustrate the whole subject (*Orfila on Poisons*). He writes: "Suppose some wretch, with the design of accusing an innocent person of the crime of poisoning, should introduce into the digestive canal of a dead body a poisonous solution, which would afterwards penetrate by imbibition even to the remotest organ from which it would be subsequently extracted by the experts, and would lead them to the conclusion that they were dealing with a veritable case of poisoning." From the following it will be readily seen that the celebrated chemist, Sir Robert Christison, although not in possession of any evidence of crime having been practiced, yet was fully aware of the circumstances under which it might perchance be committed. Says Christison: "Although I have never been able to find any authentic instance of so horrible an act of ingenuity having been perpetrated, it must nevertheless be allowed to be quite possible."

The realization of the greatness of the crime does not seem to be apparent to the wretch who is meditating the commission of it, brooding over the insults of another, and holding malice against a fellow-man or especially (as it affords a better chance for the full performance of his crime), against one of his relatives, and ravenously seeking retaliation; for if it was realized, how is it possible that an individual, capable of the perception of right and wrong, living in society, constituting a part thereof, mutually dependent on and co-operative with his neighbor, could use such means for the wicked furtherance of his ends?

That there have existed in times past among the communities of the civilized nations of the world, individuals who have harbored such hatred toward their fellow-men that they have not faltered in carrying their intentions into practice, is manifested by the defences set forth in the trials of various murder cases, which are recorded in the annals of the tribunals of justice, not only of the New but also of the Old World.

That in a number of murder cases the defence has been that the poison was designedly introduced into the dead body for the purpose of crimination is made apparent by the narration of the following cases: Professor John J. Reese, M.D., in his article on the Post-Mortem Imbibition of Poisons (*Transactions of the College of Physicians and Surgeons*, 1877), relates a remarkable case of alleged arsenical poisoning, which occurred in one of the Western States. The suspicions were exceedingly strong that the poison was introduced after death for various reasons. The old man having

been treated in his last illness for phthisis, his physician testifying to his having died of this disease, and to his having presented no symptoms of arsenical poisoning before death.

The body was buried four (4) years, during which time no suspicion of foul play appears to have been entertained. In the meantime, the widow again married, and the suspicion of poisoning was bruited about. The woman was accused of the crime, the body was exhumed, and a chemical analysis revealed the presence of this poison in the stomach and liver.

The defence was that the poison was designedly introduced into the body not very long before the disinterment, the body being kept in a vault. The case, singularly enough, having had a preliminary hearing, was abandoned.

Illustrative of the same, we have an article by Dr. Victor C. Vaughan (physician and surgeon, Ann Arbor, Michigan, Aug. 1883): "During the past six months there has been tried in this State a murder case, in which the question arose whether arsenious oxide could diffuse after death, after it had been mixed with water, and injected into the rectum or mouth, or both."

Since direct experiments by others, and by the author himself, as will be seen hereafter, seem to prove that the absorption of poisons after death does take place, it must necessarily become an important factor how in such cases to differentiate ante-mortem from post-mortem poisoning. The methods are very limited. Perhaps the most reliable as well as the most conclusive evidence of anti-mortem poisoning are the symptoms manifested by the patient before death. Of little less importance is the revealing of the presence of the poison by chemical analysis in the interior of a large organ, as for instance, the liver; since it does not appear to be likely that a poison introduced after death could penetrate by imbibition even to the interior of so large an organ. That Professor Reese attaches much importance to the detection of the poison within organs will become evident by the following extract from the article before mentioned. Says Professor Reese: "If the poison were found on the exterior of the organs only, and not in their interior, after a careful research, I should regard it as a true case of 'Post-Mortem Imbibition.'"

In this connection a digression may be allowable relative to the impregnation of a dead body from arsenical soil into which it is sometimes unfortunately placed. In those cases, where owing to suspicions of poisoning, it becomes necessary to disinter a body for legal purposes, it is often found that the coffin in which the remains are deposited has burst open, thus allowing the contents to come in contact and mingle with the soil (which in some rare instances contains arsenic). At the trial of these cases the counsel for the defendant, hard pushed for a defence, and whose only resource lies in a choice between "insanity" and "arsenical impregnation

from the soil," in some cases selects the latter. The actions of lawyers in setting forth such groundless defences, being cognizant of the impossibility of the transudation taking place, and living in the light of present scientific knowledge, might be looked upon as of doubtful propriety. Unfortunately, in order to show that such a course is frequently pursued, it is only necessary to search the actions taken by the Commonwealth in the trial of cases of this nature, when it will be found that along with a chemical analysis of the organs, there is also a chemical analysis of the soil. Indeed, this mode of action was taken in a recent case of arsenical poisoning occurring in this city (Philadelphia), in which the prisoner, although twice convicted, has not as yet been sentenced, on account of the existence of some of the so-called "technicalities." From the following opinions of certain toxicologists who have made it a study, it will be seen that it is regarded as impossible for this contamination to take place.

Professor Reese (*Proceedings of College of Physicians and Surgeons, 1877*) says: "In the few cases in which arsenic has been discovered in cemetery soils, it has invariably existed in the insoluble state generally in combination with either lime or iron. Indeed, it cannot be extracted from such soils even by boiling water, but the agency of hydrochloric acid is required to render it soluble; consequently, it is impossible that arsenic should be capable of transudation from the soil into a dead body."

This assertion is corroborated by the direct experiments of Orfla (*Acad. of Med., June 29, 1847*), who showed that bodies buried in arsenical earth for a period of three (3) months, did not acquire any arsenical impregnation from arsenical soil. But even admitting that it is possible for a body to become impregnated from arsenical soil, it could be easily determined in case a body contained arsenic, whether it derived the poison by contamination with earth, or whether the poison was introduced into the body; by taking two samples of earth, one from the immediate contact with the coffin, and the other from the same strata, but in an adjacent portion of the cemetery, and subjecting both to a chemical analysis; if the analysis revealed the poison in the coffin soil, and not in the adjacent soil, then it would be evident that the soil was contaminated by the body and not the body by the soil.

With a view of determining whether it is possible for a poison introduced into a dead body, to penetrate through the various organs, and be recovered by chemical analysis, a series of experiments were conducted.

A small dog was killed, and into the stomach was introduced, by means of a flexible catheter, two ounces of water containing twenty grains of arsenious oxide. The animal was placed in a pine box, buried, and at the expiration of sixty days was exhumed. The following organs, viz., the stomach, liver, kidneys, lungs, heart and brain, were then removed. On the surface of the organs were observed brownish-black spots. The organs

were found to be in a remarkable state of preservation, especially the kidneys. The brain was only slightly broken down, but the dura matter was intact. A bright yellow spot of the size of a small pea was observed on the urinary bladder.

The organs removed were placed in separate glass jars, and then subjected to a chemical analysis. The process employed for the recovery of the arsenic being the "Frenious and Babo" or the hydrochloric acid and potassium-chlorate method, with the purification method of Otto. These are as follows : "The organ is cut into small pieces, and hydrochloric acid and water added. The mass is heated to near but not quite the boiling point on a sand bath. Potassium chlorate is added, in portions, the mass being stirred continually. The chlorine evolved disintegrates the organic matter. The mass is stirred and heated until all the chlorine is driven off, and becomes homogeneous. The volume is kept up by adding water. Allow to cool and transfer to a moist linen strainer, and strain until the filtrate is clear, restraining all that is turbid. The residue is washed well with water. The arsenious oxide has been oxidized by the potassium chlorate to arsenic oxide. Reduce to arsenious oxide by adding an excess of a solution of sulphurous acid gas, the excess of gas being known by the odor.

The mass is evaporated to twice the volume of hydrochloric acid used ; cool and filter if necessary. Thoroughly saturate while warm with a washed stream of sulphuretted hydrogen, which will throw down the arsenious oxide, oxide, organic matter, sulphur and the sulphides of other metals. Filter, wash the residue until the washings are free from chlorine. The residue is washed with a few c. c. of water containing ammonium hydrate. The sulphide of arsenic will be dissolved by the ammonia water and pass through. Evaporate to dryness in a water-bath, and add a few drops of nitric acid to destroy the organic matter ; the nitric acid will also oxidize the sulphide of arsenic to arsenic oxide. Evaporate to dryness and repeat until the mass has a yellow color. To the dry residue add a small quantity of a solution of potassium hydrate and powdered carbonate of soda, and evaporate again. The potassium hydrate will combine with the arsenic oxide, forming potassium arsenate. Evaporate to dryness, and add three or four drops of concentrated sulphuric acid. Heat on naked flame until vapors of sulphuric acid cease to arise. The sulphuric acid will clear the organic matter. Pulverize the residue if necessary, add 25 c. c. of water, and one drop of sulphuric acid to acidulate. Boil and filter. The filtrate which contains arsenic oxide should be *colorless*. Reduce arsenic oxide to arsenious oxide by an excess of a solution of sulphurous acid. Concentrate until all of the sulphurous acid is gone, and about 20 c. c. remain.

The reagents employed in the extraction of arsenic, themselves frequently contain this substance, notably those of zinc and sulphuric acid ;

hence, it becomes necessary to test all reagents to determine that they are absolutely free from this poison. None but "chemically pure" reagents were employed, the sulphuric acid being found to be such after subjecting it to Marsh's test. On the application of Reinsch's test to the hydrochloric acid and copper foil, they also proved to be reliable. *Summary of results obtained by chemical analysis of the organs removed from dog containing arsenic:* The extracts obtained from the stomach, liver, kidneys, lungs, heart and brain were subjected to Reinsch's test, and from *all of these organs arsenic* was recovered. In each case a sublimate was obtained on the side of the reduction tube, which, placed under the microscope, revealed the presence of arsenic by exhibiting many beautifully formed octohedral crystals. It should be remarked that the results obtained from the examination of these organs were about equally striking, with the exception of the brain, which gave somewhat less marked reactions.

On examining the literature of the subject of the "Post-mortem imbibition of poisons," it will become apparent that it has not received the amount of attention it so justly deserves. Indeed, so far as the writer has been able to learn the only investigations pertaining to the subject are those of Drs. Victor C. Vaughn, Kedzie and George McCracken.

Dr. Vaughn in the first of his experiments (physician and surgeon, Ann Arbor, Michigan, August, 1883), used a musk-rat injecting into the mouth and rectum by means of a syringe fifty (50) grains of arsenious acid suspended in cold water. The rat was buried twenty-five (25) days, and the organs subjected to a chemical analysis, which revealed the presence of this poison in the kidneys, liver, lungs, stomach and contents, large intestine, small intestine, heart and brain. In his second experiment a cadaver was used, an unweighed quantity of arsenious oxide was introduced into the mouth and rectum, the body being then placed in a cellar for twenty-five (25) days. The brain was broken down, and in a semi-fluid condition, the rest of the organs firm. Chemical analysis revealed the poison in the right and left kidney, liver, lower lobe of right lung, heart, rectum, spleen, stomach and brain.

Dr. Kedzie, of the Michigan Agricultural College, working independently, made experiments on a cat with like results. In again referring to the results of the experiments by the writer, it will be seen that arsenic was recovered from the *brain* of the animal into which this poison had been introduced. The fact that a poison, introduced after death, can penetrate through the various tissues and saturate the great nerve centers, protected and surrounded as they are by a bony casing, must be looked upon as an astonishing as well as an interesting fact. Upon this point Dr. Reese (*Transactions of College of Physicians and Surgeons, 1877*), observes: "It is scarcely conceivable that a poison introduced into a body after death could penetrate by imbibition within the cavity of the cranium and spinal cord."

In the experiments of Dr. Vaughn, the following explanation is offered for having found arsenic in the brain, viz., "In injecting the solution into the mouth, the syringe used clogged up, and on attempting to force it free, a portion of the fluid was observed to flow from the nostrils, some of this fluid probably adhered to the pharynx."

In the writer's experiments, when the dog employed was being placed in the box, a small amount of fluid was observed to trickle from the nostrils. Whether the presence of arsenic in the brain was due to the foregoing accident or not is uncertain. In a series of experiments on "Post-Mortem Imbibition of Poisons," Dr. Geo. McCracken introduced the three poisons, viz., arsenic, tartar emetic and corrosive sublimate, and subsequently recovered them by chemical analysis from several organs.

Though always allowable, it is not our purpose to attempt to draw positive deductions from the facts adduced, but rather to allow our own results, which have been gained by a strictly scientific process, *to speak for themselves*. In conclusion, however, it may be remarked that the hypothesis that arsenic through the process of post-mortem imbibition from the alimentary canal is, by careful chemical analysis, discoverable in the brain, receives entire confirmation from the present researches.

The supposititious case submitted by DR. MILLER in the foregoing interesting paper, the case cited by Prof. John J. Reese, the dicta of ORFILA and of ROBERT CHRISTISON and the more recent case cited by DR. VICTOR VAUGHAN, of the murder case in MICHIGAN, raise Medico-Legal questions of great interest to Medical Jurisprudence, and should awake careful research by Toxicologists :

How can the chemist discriminate from a scientific examination of the cadavre at the autopsy, whether the poison was administered before, or after death ?

DR. MILLER seems to be of the opinion, that the absorption of poisons take place after death; he calls attention to indications by which it can be discriminated; and cites PROF. REESE's opinion, that the location of the poison, if found in the exterior of the organ, indicates *post mortem* imbibition, if in the interior *ante mortem* poisoning.

Both REESE and ORFILA agree, that the cadavre could not absorb from the soil sufficient arsenic, to have caused death if taken internally during life, but the experiments made by DR. VAUGHAN, DR. KEDZIE, and DR. GEORGE McCracken, would strongly tend to prove, that arsenic introduced after death by mouth or rectum, would pass into the organs by absorption.

This question is doubly interesting from its importance in another class of cases, to which we desire to call the attention of chemists and toxicologists throughout the world.

The writer has been consulted professionally on a case presenting the following singular circumstances.

An elderly prepossessing man, marries a wealthy maiden lady, evidently for her money. After a time she dies, with many of the symptoms of arsenical poisoning, her physician is wholly baffled as to her disease, not, of course suspecting poison, as the husband is a clergyman having the full confidence of the community, though the wife, shortly before death, had requested a female relative, not to leave her alone with the husband, but without disclosing the nature or character of her suspicions, if she entertained them.

Immediately after death in a country village, the husband orders the body to be embalmed, and the whole abdominal cavity is filled, with a solution containing an unusually large quantity of arsenic.

Facts and circumstances, satisfy some of the relatives of *ante mortem* poisoning, and arouse strong suspicions of others, but the body was buried without an au-

topsy. The solution—assuming that arsenic would absorb after death—would of course thoroughly impregnate the organs with more than sufficient arsenic to cause death. In other words an analysis of the body *post mortem* would show arsenic, in large quantities, and more than enough to cause death.

The question submitted to the chemists who were consulted was: "Can you discriminate by chemical analysis, on an exhumation of the cadavre, between the arsenic we are sure to find therein, that which was produced by absorption *post mortem* in the embalming process, from the arsenic or other poison given before death, and which undoubtedly caused death ?

Can the chemist by any means now known to science, detect the murderer who poisons his victim, and at once, thereafter fills the body with an arsenical solution under the pretense of embalming it, using an extra large quantity purposely ?

In the case under consideration, a strong array of circumstantial evidence was accumulated, aside from the conduct of the husband, evident suspicions of the wife, the opinion of the medical men, and the symptoms of arsenical poison, prior to, and immediately preceding death.

A relative set on foot an inquiry, which showed that the husband had made several marriages before, in two of which deaths had occurred, in a similar manner, immediately followed, by a like process of filling the abdominal cavity with arsenic in strong solution, under pretense of embalming, but no criminal investigation

or judicial proceeding had been instituted, though strong suspicions, had been entertained by the relatives of one of the former wives.

The medical men, and chemical experts consulted in the city of New York, while entertaining little doubt of the guilt of the husband, regarded the difficulty in fastening the crime upon him, by the analysis so great, as to dissuade the relatives, from an arrest and the scandal of a trial.

He has thus far escaped even an arrest, and has since though quite old, again married in a remote section of the country. The relations of all the dead wives, will, no doubt, watch this clerical Blue Beard's course, and the last wife's death, with interest, to see if a similar course is pursued. The scientific interest in the question which is presented to chemists throughout the world is :

How can we discriminate so as to detect and differentiate the poison, taken *ante mortem*, which caused death, from the poison purposely introduced after death into the abdominal cavity or per rectum, for the purpose of hiding the crime under the pretense of embalming the body?

The experiment should be conducted carefully with each kind of cases, upon animals, and the differentiation carefully noted and studied, and the discrimination should be most thorough and ample. We shall publish with pleasure, any communication made to us by chemists throughout the world, upon the subject. If this differentiation can be accurately made, so as to justify the toxicologist in swearing positively, and to take the case

out of the realm of uncertainty, so that the jury would not be in sufficient doubt to give its benefit to the accused, it would in the case in point bring this clever scoundrel yet to justice. There is sufficient arsenic in that body to preserve it perfectly for years, and the analysis could be made in the future as well as now, or in the past. His only escape would be to steal the body, which could hardly be done, and if done, would furnish a still farther link in the very strong chain of circumstantial evidence, surrounding the case.

NOTICE TO MEMBERS OF THE MEDICO-LEGAL SOCIETY.

The Treasurer advises members of the Medico-Legal Society, that he has not sent the March number of the MEDICO-LEGAL JOURNAL to those members who are in arrears for dues, acting under the direction of the Executive Committee.

Members in arrears for dues will receive the JOURNAL promptly on receipt of their dues by the Treasurer.

DR. S. N. LEO,

103 West 55th Street.

TRANSACTIONS

MEDICO-LEGAL SOCIETY.

DISCUSSION OF MR. E. W. CHAMBERLAIN'S PAPER ON THE "DRUSE CASE."

(*February Meeting, 1887.*)

President CLARK BELL, Esq., in the Chair.

Mr. R. B. KIMBALL.—Mr. President: Without discussing the propriety of the conviction of Mrs. Druse, although I might have something to say on that subject, I must object to Mr. Chamberlain's criticism, upon his profession and my profession, and also his strictures in regard to the jury system, in which, permit me to say, I cannot agree with him.

Again, I do not agree with him, in the way that he has presented the case of Mrs. Druse, or in his criticisms, upon the opinion of the Governor, which I conceive to be manifestly unjust.

I do not believe in that way of presentation, of the case to this learned and scientific body.

If we go into the period called change of life in a woman, which comes at about forty-five, like the grand climacteric in man at sixty-three, I say simply that the change is a natural one. If I am wrong, my friend Dr. Carnochan is here and can put me right, but I doubt if one woman in ten thousand, goes crazy when the change comes.

Beyond that, I cannot agree to the slur upon our judiciary. I am free to say that there is a great temptation for the District Attorney, in possession of a cause for the people, to do his best to convict, when he ought not to be carried away by any ambition on that subject, but I do not believe that the judiciary, are carried away by any such feeling. On the contrary, I think that the charges of our judges, in criminal cases, are essentially fair, and felt to be so by our professional men, and I am very sorry to find one here to-night that thinks differently.

I put in my protest, not in regard to the Druse case, but to the general case, where I think our friend has travelled out of the way to thus attack our profession, the jury system, and the judiciary, and has made besides a little mistake, so far as women are concerned upon the change of life.

Beyond that, so far as personal feelings are concerned with regard to Mrs. Druse, and so far as the question of sex is concerned, the subject challenges all our sympathies—but I must protest against our friends traveling out of the record—with regard to our judges being determined to convict, which I do not believe, and with regard to the feeling and uncertainty of juries.

Now, with that exception, I would heartily vote, or move, indeed, a vote of thanks for the information which we have all received in regard to this case.

Dr. PEET.—After all, whether a man is sane or insane, human life must be protected, and it is, perhaps, a sentiment in the community, that too much stress must not be laid on the side of clemency; that we should not allow the law to be abused by the specious explanations, which are made in behalf of a criminal, and the community feels safer when they know that the judges and the governor and all the officers of law are inexorable, and that it requires a very great burden of proof to relieve a criminal—a person who has performed a criminal act—from the responsibility of that act, and there is very great danger, in our going too far, in the matter of excusing men and women, on the ground of their having been actuated by an insane impulse.

Now, in regard to the great case of the murder of President Garfield, I had this feeling, that probably the assassin may have been an insane man, and yet I believe that there will be fewer murders by insane men, than there would be if Guiteau had not been punished. I believe there is a border land, where a person subject to insane impulses, can control himself, and the punishment of that class of persons, forces them to restrain themselves, from the commission of an act, towards which their impulses lead them.

But there are cases in which all the circumstances of the crime, show that the treatment of the person, who at last was wrought up to the commission of the crime, was such as for the time to deprive them of reason, and to deprive them of all ability of self-control, and I regard that case of Walworth, who killed his father, as just such a case. This father of his, had abused his mother, had written her letters, had thrust matters upon her which caused her such distress and anguish, that it became almost insupportable.

This young man was devoted in his affection for his mother. He felt with her, sympathized with her. He was naturally of a morbid disposition, and finally, as a culmination of the abuse, which his mother had received, he was driven mad.

That was my view and I had this view, that if Charles O'Connor had shown a little warmth of feeling, and knew how to appeal to the sentiments of a jury, and had said: "Gentlemen, is there a single one of you, who would not have done the same thing under the same circumstances?" he would have carried the jury with him.

The result was that the young man did die insane. He was not acquitted on the ground of insanity, but was convicted and sent to prison, but while in prison he was proved to be insane.

Mr. ALBERT BACH.—Mr. President, it seems to me that the paper with which we have been favored this evening should suggest thoughts different from those expressed by the two gentlemen who have preceded me, and while I heartily agree with Mr. Kimball in certain of his protests—and with the utmost courtesy for the reader I say it—at the same time it strikes me we should consider how to try the question of sanity or insanity, rather than the peculiar facts of the case referred to.

The question of sanity or insanity, is one which has troubled the minds of experts from time memorial, and it is my opinion that it should never go, in the first instance, to a lay jury. I do not believe that such a jury, even with instruction from the Court, or from expert testimony, is capable of thoroughly understanding, or completely drawing the distinction between sanity and insanity, and it is my impression that all such questions should go before a jury of reputable experts on that subject. We appreciate the fact that men's minds are governed, and to a certain extent, controlled, by their prejudices, or their peculiar crotchetts; still, men who have given the subject the careful thought and the deep research, which only an expert can give it, are alone capable of expressing a comprehensive and a satisfactory opinion upon it.

Now where insanity commences or where sanity ends, is a very, very difficult problem to solve, and there are many, as we know, who assert, that no man is thoroughly sane. At the same time, when there is a trial for murder, in which a human being's life is in the hands of men, who cannot thoroughly appreciate the position in which the prisoner was, when the act was committed, that circumstance is so grave and so terrible in its import, that it should indeed give us and the legislature, reason to pause and determine, who shall decide whether a man was sane or insane, when he committed a crime.

In regard to the insanity plea, it is entirely too much derided. People think that, because through a few technicalities, certain criminals have escaped on a plea of insanity, that, therefore, every man who pleads it, pleads it merely as a technical defence, without any merits, and we have that prevailing opinion throughout our community, I believe.

Insanity, as a defence, to use a vulgar expression, is "*played out*." Everybody wants to get off on the ground that he is insane. Well, when a man pleads insanity it may justly be said, that with the ordinary lay jury the chances are that they may consider the plea "*played out*," and, in my opinion, it is because they do not understand the subject, that they arrive at that conclusion.

It is the most delicate point that a man can contemplate, that of being on

the border land between sanity and insanity, and the public prejudice against the plea of insanity is so great, that there is some risk of conviction through prejudice, simply because the plea is put in, and not from any thorough conviction in the minds of the jury that the man was not insane.

Public clamor—which was referred to by our learned friend, who read the paper—is a mighty factor in securing convictions. Public clamor is something which at times is as difficult for a good man to get rid of the effect of, as of his religious belief. People become imbued with a thought and cannot get rid of it, do what they will. That prejudice clings to them, rendering it very difficult to get an impartial verdict. The old rule of law that those who dwell in the vicinage, are the best judges of the facts, may do for ordinary cases, but when life or death is involved, or the pulling down to shame and degradation a man who has stood on a high pedestal of virtue and honor, then I say, the people in the vicinage are not always the proper people to try his case.

Dr. CARNOCHAN.—I believe with our friend opposite me, that insanity is very often pre-existing in the parties connected with crime. The brain is undoubtedly an organ of many virtues and vices, and one or more of the organs may be so disordered by irritation of various kinds, physical or mental, that the control is lost, and the healthy functions really are in abeyance or obedience to the morbid functions.

THE PRESIDENT (Mr. Clark Bell).—We should be glad to hear you upon the question, whether there is a tendency to insanity at the climacteric period in woman.

Mr. CHAMBERLAIN.—And whether or not that may be aggravated by surrounding misusage or abuse.

Mr. KIMBALL.—And what proportion of women become insane at that period?

Dr. CARNOCHAN.—There are certain organs brought into activity at the commencement of that change—the emotional.

The full action of insanity becomes developed, and is manifested by some act, that draws attention to it, that is not the *mens sano*. We are all living in an unnatural condition, more or less, the female is often liable to very peculiar conduct, at that period, and also sometimes running into crime.

Mr. KIMBALL.—May that not be so also at the menstrual periods?

Dr. CARNOCHAN.—Not likely in a healthy woman.

Mr. KIMBALL.—But at the change of life you think differently?

Dr. CARNOCHAN.—Yes, because certain organs of the brain may become so sympathetic, with the peculiar change which is going on, that under certain circumstances, the vicious organs may become excited and insanity demonstrated by the vicious action. I am very sorry I came too late this evening to hear the learned discussion.

Dr. AMELIA WRIGHT.—I certainly cannot subscribe to what has been said in regard to women at the climacteric period. It is impossible that all women are insane at that time.

Dr. CARNOCHAN.—Not every woman. I was misunderstood in saying that. They are more or less predisposed.

Dr. AMELIA WRIGHT.—I hardly think so, universally.

Dr. CARNOCHAN.—The menopause is more or less a natural action and in the course of nature, and not so perturbed in all instances as to create insanity, but there is a predisposition at that period of life, and during this predisposition through domestic trouble, physical abuse, etc., certain organs of the brain may lose their balance.

Dr. AMELIA WRIGHT.—A woman at that period may be more likely to become insane, than at any other time, but that is all.

President Bell asks Vice-President Dr. Carnochan to take the chair.

Mr. CLARK BELL.—Mr. Chairman : The topic is one of great interest to the people of the State and certainly must interest this society. It is a matter of regret to me that we do not know the facts of this case as detailed before that jury. All the newspaper accounts vary, to such an extent, that it is impossible to know what the facts were. Upon that subject the Governor is better informed, than the general public. Certain of the public newspapers have undertaken to investigate this subject, some of our city press especially, and their accounts vary to such an extent, as to render it impossible for an unbiased mind, to come to a definite conclusion.

In regard to the Governor, it is perfectly safe to say, that he is an entirely just and conscientious man; I have known him from his boyhood, and I am sure that he is certainly not biased, or prejudiced against the accused, and he is a man as little influenced by public clamor as any person who has lately been in that chair, in this State. I quite agree with what our brother Bach and others say, in regard to the influence of public clamor, and that it affects the judiciary improperly as well as it does the bar.

If the author of the paper means, in speaking of the uncertainty of the verdicts in criminal cases by the term "fallacy in judicial proceedings" to go to the extent that he would do away with judicial proceedings in crimes; that is a species of iconoclasm to which I am not willing to consent. Our present method, has come to us through centuries of practice, we have been taught to respect it, and until something better is offered we must accept it. I am inclined to think that my brother Kimball, and perhaps myself, may have misunderstood, the thought and tenor of the author of the paper in his remarks, in regard to that.

What I understand the reader to mean is, that he considers, that the Governor and the public, should understand that what has been sometimes called "*the glorious uncertainty of the law*" should be a consideration, in so momentous a question as human life.

Now in regard to the insanity of the accused, I will say, that in my experience and reading, I have never known a case of murder, accompanied by atrocities, or most extraordinary abnormal exhibitions, that did not indicate an abnormal condition of the mind, and I think those who have given this subject study, believe that these extraordinary and horrible atrocities in homicides, almost always indicate departure, from what has been considered the usual or normal mental condition.

In regard to the meno-pause in women, I think most writers are of the opinion, that at that period, women are predisposed to that form of insanity which is pre-induced by disturbance of the organs of sex, more than at other periods, and there are many instances where during that period, insanity has been exhibited and shown.

In regard to the action of the Governor, we have a right to say that our Governor will in this very case, or in any case, order an examination of the mental condition of any accused person, when any doubt exists, because he has done so in a very recent case, and the Governor who preceded him did so—President Cleveland.

My learned friend cited the contents of a letter which the present Governor wrote me April 7, 1885, upon the subject, in which he sends me copies of the action of Governor Cleveland in the case of William Henry Ostrander, and the present Governor was kind enough to enclose to me the report of the examining physicians and the law which regulates and governs such cases, and cited Sections of the laws of 1871, at pp. 658 and 652.

The subject is one of great interest, and one which I am very glad to see has received the attention which it has, not only among the friends of the reader of the paper, but at the hands of the Society.

Mr. DANIEL R. LYDDY.—There is one point in the paper which seems to imply that the exercise of clemency by the Executive should be an individual and arbitrary act on his part, and not one subject to well defined rules and well defined reasons for its exercise. Being a power vested in the Executive, it corresponds to the veto power, though subject to rules, and I should have been very much gratified, if he had in his paper indicated these rules, and I hope he will indicate them in his rejoinder.

It must be shown that the case comes within the rules that govern these results, or that it has violated these results, or that such results do not exist, which I do not believe.

Mrs. EUGENIA M. BERRY.—I don't know as I ought to say anything, as I am neither a doctor nor a lawyer, but I have had a good deal of experience with the insane, and my opinion was formed several years ago that criminals—great criminals—who have until that time sustained good moral characters, who are tender by nature, and come to be so changed that they can commit these atrocious crimes are almost all of them insane. I think you will find that true, if you investigate the matter as I have, with an ac-

quaintance and experience which includes a district of several hundred miles in area.

Mr. E. W. CHAMBERLAIN.—Perhaps it is my misfortune that I am one of those plain, direct individuals who do not always take into consideration, as is sometimes best, matters of policy and expediency. I should have had my attention called, by a perusal of these papers which your President has kindly given me, to the fact that perhaps there may be some little delicate emulation between these two professions, which are brought here together in this friendly intercourse, as to which shall uphold and maintain the highest dignity, and serve the best purpose, and so, perhaps, I have gone into this business a little too roughshod, and have not armed myself sufficiently with policy.

I certainly desire to maintain the dignity of my profession. I love my profession. Its work is pleasant to me. I do not believe the dignity of my profession nor of any other profession, can be subserved or maintained by any other course than by truth and directness, and I think it is better not to assume a false dignity, but to take things exactly as we find them, and deal with them as we must ultimately.

The papers narrate an occurrence which took place in the Supreme Court of the United States, in which my learned friend, Gen. Butler, figured, and they say he was sitting there chewing the end of an unlighted cigar, and one of the attendants told him very peremptorily that he must not do that. It was not long ago that a very learned gentleman from the West went there to argue an important case and his clothing was not *de rigueur*. He didn't have any collar on, and that shocked those gentlemen mightily.

Now, I want to say that I do not think, that it is consistent with the dignity of our profession, to proceed on any such grounds at all. The dignity of the Supreme Court of the United States, can only be maintained by the administration of justice correctly and impartially, and it is not in any sense important whether gentlemen go there with collars on or not.

I want to say further that I have no such respect for authority as leads me to overlook a wrong and to cover it up, and I have seen constantly in the course of my experience matters, that I want, very much to correct—matters that I think it is important should be corrected.

This manner of proceeding in cases of insanity, it is very important should be corrected. We don't know at what time some friend of ours whom we love truly, may be brought into just such a situation as this unfortunate woman, of whom we have been talking to-night, and do just such a deed as she has done, and if done without moral accountability, we want some protection for that friend.

There is a series of trials going on here in New York, and some of the proceedings in those trials, are very extraordinary and such as to shake con-

fidence in the administration of justice. Under the strong pressure of public clamor, things have been done by public officials that never ought to have been done. The intimidation of the jury by bringing men into Court, to go through a show of signing a paper, directly for the purpose of intimidating one member of that jury, and then having a consultation over this paper by the Judge and the District Attorney, and even going so far as to make threats.

I do not want to see such justice in this country. I have seen too much of it, and I want to devote myself—if I can do anything—to bringing about a very much better state of affairs than that.

Public clamor is so powerful, so strong, and the proceedings of certain courts have conceded so much to it, and have been so very unfair, that now one of those men in that series, who is about to be brought to the bar of justice very soon, is seriously contemplating whether he will not go into Court and say, "I am not guilty, but I will make no defence before this Court."

I look upon such a situation as a very serious one. As a lover of my country I cannot do otherwise. I think this trial in the case of Mrs. Druse is of the same nature. I want to see an improvement. I want to see more reliable justice. I want to see justice which is not open to such strong criticism.

As for the Governor, while it makes no difference personally, I have no particular respect for his authority. He has a business to do, a duty to perform, and that, when well done, is all we can expect of him; but we do expect that that shall be well done, and as we are supposed to be living in a country where speech and thought are entirely free it is not improper to criticise the actions of the Governor, particularly in cases of such moment as this.

I do not care to enter into a very lengthy criticism. In fact, I do not know that I can add very much to the interest of what has been said ; but, to summarize my ideas, if I have not correctly expressed them before, here is a woman at the time of life when there is shown a predisposition to insanity. She has gone through an experience which might of itself induce insanity—which is quite sufficient to induce insanity. At the particular moment when this insane act is done, or when what may perhaps be insanity manifests itself, she receives treatment of very great aggravation. She is placed under circumstances which must necessarily stimulate the utmost activity of an unhealthy mind, if her mind is unhealthy, and all those influences combined together make it so exceeding probable that this woman is insane, that the omission to make an inquiry into it up to this time is really culpable, and that culpability attaches to everybody who has had connection with the case, whether it

be the Judge or the Governor, or the counsel, or the jury. I say with all the respect to which those people are entitled, but I still say it.

Now, my idea of the pardoning power is that for the merciful purpose of correcting the faults of justice, the pardoning power should be the same here as it is understood to be on the other side of the water, a country from which we have derived many of our laws and institutions, and that is that the power is absolute. I am entirely opposed to a Court of Pardons, which is but a continuation of proceedings had in Appellate Courts, and there is nothing in this record to make the Appellate Courts change the disposition of the case. There is nothing that the Appellate Courts could have taken hold of to reverse the case. It was presented properly to the Appellate Courts, and upon the record and upon the matter that the Appellate Courts have before them they were perfectly justified in forming this judgment.

Now, in the matter of pardon, when it comes to the last resort and there is an interest for granting it, I think that the power should not be hampered by any rules whatever, and the Governor of the State should be allowed to pardon for any reasons he chooses.

I am not a believer in punishment as such, but I am a believer in the efficacy of correctional treatment for criminals, and I go so far in that direction, that I do not believe any punishment should ever be inflicted, merely as punishment and without any view to correction, and so I would very much extend the pardoning power, putting it, of course, into the hands of a discreet man, such as it is fair to assume the Governor of the State is, and letting him couple with his discretion such conditions as he may think, fits each individual case.

I say that that pardoning power ought to be exercised very generally, so as to enroll almost every convict that finds his way into prison under that system. I believe that criminality could be very much lessened by such a course as that. I think it is a right view to take, and it is a view that a great many do take.

But now the hour is late and I must hasten away. I have several notes here, but I have been pulled down and raised up again, by the gentlemen who eloquently discussed this paper, so that I think you have got all before you that I might add.

Dr. MILNE.—I would like to ask on what grounds this gentleman believes this woman to be insane.

Mr. CHAMBERLAIN.—I have stated that there is a strong probability that she may be found to be insane. Her time of life, the twenty years of outrage that she has sustained and the specific outrage at the time of the murder which precipitated this whole twenty years, of outrage into one moment.

Dr. MILNE.—There are physicians here who say, that unless a woman is

predisposed to insanity, there is not one in ten thousand who become insane at that period.

Mr. CHAMBERLAIN.—That may be true, but I think Dr. Carnochan spoke of this period as predisposing woman to such an attack; and do you not think, or rather do you think, as a medical man, that a person can sustain all that wear and tear and strain of the nervous system, that that woman must have gone through, during these twenty years of outrage, without being to a certain extent predisposed and very liable, to such influences as she may have been under at the time of the murder?

Dr. MILNE.—It seems to me that if this woman had been insane at the time she committed this crime, there would still exist in her condition some characteristics, to indicate that there were symptoms of insanity in her. I should suppose that something during her trial, would have indicated that the woman was insane at that time, or that she would have shown signs of insanity since.

Mr. CHAMBERLAIN.—I doubt if a committee making the investigation could positively say, whether the woman was or was not insane at the time of the commission of the act.

APRIL SESSION, 1887.—A regular meeting of the Medico-Legal Society was held April 13th, 1887, at the HOTEL BUCKINGHAM, The President Clark Bell, Esq., in the Chair.

The minutes of the March, 1887, meeting were read and approved as read. The following gentlemen proposed by President Clark Bell were on the recommendation of the Executive Committee duly elected active and corresponding members respectively—

Active Members.

EDWARD J. COWLES, M. D., Superintendent McLean Asylum, Somersville, Mass.

LOUIS LIVINGSTON SEAMAN, M. D., New York City, was proposed by Dr. S. N. Leo, seconded by Mr. Clark Bell and duly elected an active member.

Corresponding Members.

J. G. PINKHAM, M. D. and

P. O. HOOPER, M. D., Supt. Arkansas State Asylum
were proposed by Mr. Clark Bell and duly elected corresponding members.

A notice announcing the death of Prof. Jean Theophile Gallard, M. D. Corresponding Member of this body and Secretary of the Medico-Legal Society of France, received by President Clark Bell from the family of the deceased Professor, was read and duly ordered on file. Mr. Bell made remarks in eulogy of the deceased, and of his career as a Physician and Scientist.

Dr. Louis Livingston Seaman read the paper of the evening entitled—"PRISON LABOR AND PUBLIC UTILITY." Discussion was participated in by : Drs. Matthews, Leo, Seaman, and President Bell.

A letter from Mrs. C. E. Van Cortlandt, daughter of the late T. Romeyn Beck, M. D. acknowledging the receipt of Medico-Legal Papers Series No. 3 from Mr. Clark Bell, was read and ordered on file.

There being no further business before the Society on motion, the meeting adjourned.

ALBERT BACH.

Secretary.

DISCUSSION OF DR. SEAMAN'S PAPER.

Dr. Matthews:—Dr. Seaman's paper may seem visionary in some respects. The real point of the paper is to utilize the system of Convict labor. It seems to me that

it might lead to escapes, and it would take more men to look after them than their labor would be worth. It is a good idea to make them work as much as possible. The paper has good ideas in it. I am not prepared to discuss it as I have not thought about it ; but I am entirely in favor of it.

Clark Bell :—Dr. Seaman, what would be your plan, supposing for example , this City desired to build a series of public docks at North River, which they need very badly ? A short time ago I had occasion to walk near the Battery, where a wall of stone had been constructed, which was miserably done, as I noticed that it was upheaving, and falling to pieces already. How would you practically propose to use the present population of the prisons, on that work ?

Dr. Seaman :—The present prison population is now moved from place to place. They could be taken from the dock, to whatever place they were to work at, and they could be transported in boats, as they are now from Blackwell's to Governor's Island, and easily enough guarded. The gang might just as well be working as eating the bread of the public, and they could be taken directly from the Island and back again in boats.

Pres. Clark Bell :—There is no trouble about conveying these Convicts. Under the French system the prisoners condemned to the galleys, were required to work out their terms, and you all remember in the earlier sentences of prisoners they were condemned to hard labor. That was part of the sentence and the theory of labor for prisoners

has been growing into our system and recommending itself to all English speaking communities.

Dr. Seaman :—Provision should be made for them. That is practically the use the *New York Herald* is advocating for prison population to be put to.

Pres. Bell :—Superintendents of Insane Asylums and of prisons and the Humane Societies, are strongly favoring manual labor for their inmates—mainly of an agricultural nature, and those who are capable of doing mechanical work, should be given such work to do. They could engage in agricultural operations with similar good. The theory of the prisoner owing labor to the State, as a part of his punishment, is of doubtful justice. Prison labor as a measure of public utility, is quite practicable. Dr. Seaman, the Author of the paper takes the ground that he was in favor of having convicts in this country do that part of the public work which is for the public good. The public supply of water for instance, and that the prison and convict labor, should be used for that purpose. They should do that work.

They do not bring a revenue to the State at present, and they cost the State a great deal of money. Of the public work that is being done on the Island at present—for instance if they have to repair the Docks, instead of utilizing that labor, the public department is called upon to do the work, at public expense which should be done by the convicts for nothing.

Dr. Leo did not hear the paper as he came in late, and spoke by consent on SEWAGE.

Dr. Leo :—I think “Sewage” is a very important sub-

ject. When I was visiting the City of London I went where they dispose of the city refuse. They attach more importance to it there, than here. At a meeting in London a gentleman read a paper, in which he estimated that the value of the Sewage in the City of New York was worth a great many millions per annum. The trouble in this City, is that more money is to be made by preventing the Sewage of the City than in the proper use of it.

The Sewage here is allowed to filter through the same places it used to.

When I was in the City Health Department there was a company formed to ascertain the cost of removing garbage and using it as a manure, which it guaranteed to do. We all know that a very large sum could be saved in that way, thus doing away with ash barrels, and all that kind of thing.

Some sort of Sewage is used for fertilizers. Many of us have seen the carts carrying the manure away from the railway stables. In fact one of the problems of the age often discussed is, what to do with garbage and ashes. I take up the morning paper, I read of the efforts of the Health Department to do away with it. I am afraid that our municipal government has not reached that state, that authorities are able to do the best they can for the people of the city.

We spend enormous sums in cleaning the streets, and emptying ash barrels, and the same routine goes on year after year with the same results.

I believe, if the Sewage, the garbage, and the ashes of

the City of New York were properly utilized, they would yield a revenue of millions to the Treasury. If you inquire into the last reports of the municipality of the City of London, you would find that their revenue was enormous from this source. I am not prepared to state how many hundreds of thousands of pounds it reached at that time, but it was a very large figure.

I remember observing in Paris at half-past five o'clock in the morning a number of women sweeping the streets and men carrying away the dirt to use as manure for grounds outside the City.

This subject is one of great importance to the citizen and taxpayer, and I do not know of any subject better suited for a Society of this kind to agitate, than this of Garbage and Sewage.

Fortunately we live in the great city of the United States, we have a reform Mayor, a reform Department, and I hope they do not limit it. The value of Sewage should be properly estimated and made a fertile revenue to this city.

In the absence of PROF. J. J. ELWELL, of Cleveland, Mr. Clark Bell read his paper on—CLASSIFICATION OF MENTAL DISEASES, which had previously been read by title.

The following discussion ensued :

Dr. Peet.—If you wish a nomenclature it is better to take a language that all are familiar with, and I suppose that was the idea in adopting the Latin language, which learned men of different countries could understand.

Dr. Seaman.—I would like to know to what school Prof. Elwell belongs.

Prest. Bell.—I do not know what college gave him his degree of M.D. He is better known as a lawyer than a physician. He is more a jurist than a medical man. In the law we have had this struggle, we have had law Latin and law French and Latin forms phrases. We are now rid of all that. I quite agree with him in regard to writing prescriptions in the language of the country.

In this country it was wise to throw away Latin in our legal forms; in Germany they have done away with them. We are coming to the doctrine of codes, written in the plain language of the land like the Code, Napoleon and the people understand these written codes. The people want them, the press wants them, public opinion is in favor of them, but there are some conservative men, and lawyers, that cling to the old way.

As science advances we do not need Latin, and the language of the country is taking its place. In every science this is now true, in England, France, Germany, Italy and America, each savant now writes in his native tongue. We can recall the time when scientific works were mainly written in French, that was the polite language of the world, the language of Court diplomacy. That day has passed, none but Frenchmen think so any longer. English is spoken at Washington and London, German in Berlin, French in Paris.

Dr. Seaman.—Would Prof. Elwell have English in Botany, or is he going to have any certain Code for the world? I do not see how it is possible in any true

scientific sense to have anything but Latin—it being the basis of all languages.

Dr. G. Grant.—It is very important to have one kind of language, especially in the matter of Botany. The scientific language of Botany, by the consent of all the world is fixed in Latin.

Prest. Clark Bell.—I think prescriptions ought to be written in English. There are dispensary druggists, and educated clerks who do not understand Latin well. If they were dispensed by physicians it would be all right. If you want medicines that are prescribed for in Latin, and you go to a clerk, he may make a mistake, and how many are made. If it was written in English he would not be so liable to make a mistake. I think that the law ought to require the physician to make his own prescription, or else write it in plain English or in the language of the country where the prescription is made.

I do not know how they can expect a common druggist's clerk not to make a mistake. We would be at a loss here among educated men, if we were given a prescription—to read it—although we know something of Latin. I have heard that many physicians could not read their own prescriptions, much less put them up.

Dr. Seaman.—I have known some literary men in the same predicament. Horace Greeley said he had three kinds of writing, one that he could read himself, one that the compositor could read and one that he'd be —— if any one could read.

Dr. Matthews.—They have a United States Dispensary in every drug store, which they ought to consult.

Prest Clark Bell.—You go into a drug store and present a prescription written in Latin. Suppose you are giving morphine and the druggist's clerk makes a mistake, there is a serious result, you write certain marks or signs and they signify different quantities. It is very dangerous, these symbols and Latin words disguising powerful remedies or poisons. The French system starts from the decimal point. Frequently the slightest mistake in either may lead to the death of all who take it, still it is being commonly used every day in the week in drug shops all over the City, with remedies even that will cause death, if mistakes are made.

MAY 10th, 1887.—MEETING was held at BUCKINGHAM HOTEL, President Clark Bell in the Chair. The minutes of the April meeting, 1887, were read by the Secretary and approved. The following gentlemen were recommended by the Executive Committee for election :—

Proposed by President Bell as active members : Judge A. J. Dittenhoefer, of N. Y.; Col. Edward C. James, of N. Y.; Wm. C. Burke, Jr., M. D., of South Norwalk, Conn.

Proposed by Albert Bach, Esq., as active members : David Tomlinson, Esq., 140 Nassau street; John S. Lindsay, Esq., 140 Nassau street.

Proposed by Mr. Simon Sterne : Hon. Oscar Strauss, our U. S. Minister to Turkey, Constantinople, Turkey.

Proposed by Dr. Peet as active member, Dr. George S. Knickerbocker, Station L., N. Y. City.

Corresponding Member.

Walter Channing, M. D., Brookline, Mass.

On balloting, the gentlemen proposed were duly elected.

The Chairman of the Executive Committee reported as its unanimous action, taken at a recent Banquet tendered the Committee by Mr. Simon Sterne, a recommendation that the Society offer a first prize for the best essay upon a Medico-Legal Subject, of one hundred dollars and of fifty dollars as a second prize, to be awarded by a Committee to be named by the President of the Society, and limited to persons who are members of the Society at the time the award of the Committee is made. The details to be fixed by the Committee, and that the fund for the prize be raised by subscription which had been signed for ten dollars each by nine members of the Executive Committee, and which would be open to members of the Society who desired to contribute for the purpose.

On motion of Mr. Ellinger, the recommendation of the Executive Committee was unanimously approved and the Executive Committee empowered and directed to carry the same into effect.

LOUIS C. WHITON, Esq., of the New York Bar, the Counsel of the Citizens Life Insurance Company was then introduced by the President, who read a paper entitled—"THE PENAL ASPECTS OF SUICIDE." It was discussed by Dr. S. N. Leo, Dr. Gabriel Grant, Mr. Albert Bach, Mr. Morris Ellinger and President Bell. Mr. Whiton closed the debate.

The reading of the paper announced by MR. R. S. GUERNSEY for this evening, was, on account of the lateness

of the hour, postponed on his suggestion until the June Session. Mr. Bell announced the receipt from the MEDICO-LEGAL SOCIETY OF FRANCE, of Tome IX. of its BULLETIN published in 1887, containing the record of its transactions from the session of Jan. 12, 1885, to that of Dec. 13, 1886, being complete for the years 1885 and 1886, with the original papers read before that body, a volume of four hundred and twenty-seven pages.

It was unanimously Resolved : That this volume be referred to the President, Mr. Clark Bell, Dr. S. N. Leo and Mr. Morris Ellinger for examination and report to the Society. ALBERT BACH, *Secretary.*

The Society adjourned.

 NOTICE.—Subscribers, members or others desiring to cross the Atlantic by ocean steamship, will be able to secure extra cheap rates by addressing the editor of this JOURNAL.

JOURNALS AND BOOKS.

COCOAINE IN OPHTHALMIC AND GENERAL SURGERY. By H. KNAPP, M.D. G. P. Putnam's Sons, 1885.

Cocaine and its use may be said to have become somewhat epidemic among physicians in general practice as well as surgeons and specialists. It has been almost the rage. Dr. Knapp translates the able paper, giving his experiments upon the eye (read before the Medical Society of Vienna) as the *basis* or *piece de resistance* of his *brochure*, to which he adds the American contributions of Noyes, Agnew, Moore, Miner, Roosa and himself, besides Mittendorf, Bosworth, Holt, A. H. Smith, Powell and a score of others.

He quotes from Meyer, Ad Weber, Vulpian, Konigston and seven or eight European writers of celebrity, and concludes by general observations upon the drug in its pharmacological, physiological, and therapeutical action.

THE OPIUM HABIT. By ASA P. MEYLERT, M.D. 4th edition, 1885.

OPIUM ADDICTION. By J. B. MATTISON, M.D. 1885. G. P. Putnam's Sons, New York.

Two *brochures* on a subject on which too little light has been thrown. The opium habit is not waning; it seems to us to be increasing. The medical profession, in the majority of cases, use the hypodermic injection, which they have taught their patients, can be used with impunity and perfect safety for even headaches, or minor ills, till the evil is done, and the vice created.

Would it not be well for some courageous physician to speak the truth about the vice, and its usual cause, and arrest the awful consequences witnessed by those who are familiar with, or addicted to the opium habit,

FUNCTIONS OF THE BRAIN. By DAVID FERRIER. G. P. Putnam's Sons. 2d edition, 1886.

Dr. Ferrier announced, when this work appeared, that his object was to give the profession the result of his experiments as to brain function. He widens this in the second edition, by rewriting much of the book, to embrace, in addition, what he regards as the best established facts, in recent physiological and pathological research, without, however, making any changes in his previously expressed opinions, regarding cerebral localization.

The work is divided into thirteen chapters. The first devoted to the structure of the cerebro-spinal centers, and the succeeding six upon the functions separately, of the spinal cord, the medulla oblongata, the menaphalon, and cerebellum general, the optic lobes, the cerebellum and the cerebrum.

Chapters 8, 9, 10 and 12 are devoted to the cerebral hemispheres. A chapter on each of the following themes: electrical irritation, considered physiologically; one as to sensory centers; one to motor centres, and the twelfth considered physiologically.

The eleventh chapter is devoted to the functions of the basal ganglia, and the work closes with the thirteenth chapter, on cerebral and crano-cerebral topography.

There are 137 illustrations, and the publishers have done their share of the work very well.

However observers may differ or concur with Dr. Ferrier, upon the theories and deductions he has so ably drawn, from the wonderful experiments on which he has based his own conclusions, there will not be two opinions among scientific men, as to the value and real lessons of his labors, nor of the admirable treatment made by this author of his topics.

Dr. Ferrier quotes, and does fair justice to the labors of his contemporaries, notably of Fritz, Hitzig, Dalton, Weir, Mitchell, Luciani, Hughlings, Jackson, Nothnagel, Bastian and others, but these do not change him, in the conclusions he reaches, and his work is convincing, able, and to the last degree, scientifically fair.

Withal that charm of interest, that Luys throws over the general subject in his work, few who study them both will hesitate to give a decided preference to the English physician over the French observer, so far as their works go. To the physician, alienist or student of the brain or mind we can say with emphasis that Dr. Ferrier's book should be read with careful thought and diligent study.

THE STORY OF METLAKAHTLA.

Mr. Henry S. Welcome recites in this interesting book, the wonderful work wrought by Mr. William Duncan in, civilizing the Indians from cannibalism, in British Columbia, and the still more wonderful, not to say scandalous, manner, that these Indians and Mr. Duncan, have been treated by the English Church authorities, and the Canadian government,

In a word, these Indians, numbering 1,000, have been robbed of their land, their churches, school-houses and dwellings, and are now seeking refuge from the Government of the United States in our newly acquired country, Alaska.

The Pilgrims, who landed at Plymouth in 1620, had no graver or more just cause of complaint, than have these Christian Indians, educated in all kinds of handiwork; and it is to be hoped our goverment, and the American Congress, and people, will furnish them with new homes in Alaska, and that we shall see planted on American soil, the nucleus of a movement in civilization, for the thirty odd thousand nomadic Indians, of the great far Northwest, which will be felt through coming time.

Books, Journals & Pamphlets Received.

J. A. WRIGHT, M. D., Sup't, Toledo, Ohio.—15th Annual Report of W. O. Hospital for Insane (1886). Simulated Insanity, Report from Cincinnati Sanit. Critic (1886).

G. P. PUTNAM'S SONS.—Functions of the Brain, by David Ferrier, M.D., LL.D., F.R.S. (1886). Opium Addiction, by J. B. Mattison, M.D. (1885). The Opium Habit, by Asa P. Meylert, M.D., 4th ed. Brain Rest, by J. Leonard Cowing, 2d ed. (1885). Cocaine, by H. Knapp, M.D. Reprint, 1885, with contributions by Drs. F. H. Bosworth, R. J. Hall, E. L. Keyes and Wm. M. Polk.

R. S. SUTTON, M.D.—Annual Presidential Address before American Academy of Medicine, Oct. 12, 1886.

AUGUSTIN M. FERNANDEZ, M.D.—Diagnosis of Yellow Fever (1887).

JAMES B. HUNTER, M.D.—Persistent Pain after Abdominal Section (1886).

EPHRAIM CUTTER, M.D.—Baked Beans (1887). Feeding Patients against the Appetite (1887).

A. WOOD RENTON, M.A., LL.B.—(T. & T. Clark, Edinburgh, 1886). Menomanie Sans. delere. Irresistible Criminal Impulse.

ROSWELL PARCH, M.D.—Medical Press of Western New York,

SANGER BROWN, M.D.—Construction and Organization of Hospitals for Insane.

W. J. BLAND, M.D.—Report of State Hospital for Insane Western West Virginia for 1885 and 1886.

FREDERICK PETERSON, M.D.—The Epileptic Colony at Bielefeld.

ALVIN A. HUBBELL, M.D.—Congenital Occlusion of Posterior Nares.

RALPH L. PARSONS, M.D.—Nomenclature in Psychiatry.

PROF. STANFORD E. CHAILLE.—The Abuse of Alcholics.

B. WESTERMAN & Co.—Bultltuin Mensuelle (C. Renwald).

AUGUSTUS V. PARK, M.D.—Pyelitis, caused by Renal Calculus.

H. R. STOVER, M. D.—Ante-Pasteur Hæmorrhage. Medals, Jetons and Tokens. Illustration of Obstetrics and Gynaeology.

BLAKISTON, SON & Co.—Announces New Series of Manuals, 1887.

JAMES HENDRIE LLOYD, M.D.—Moral Insanity in its Medico-Legal Aspects.

DR. NORMAN KERR.—Proceedings of Society for Study and Cure of Inebriety, May, 1887.

S. E. JOSEPH, M.D.—2d Report Oregon State Asylum. 1885, 1886.

PROF. DR. MIERZEJEWSKI.—Mental Diseases and their Treatment. One

122 BOOKS, JOURNALS AND PAMPHLETS RECEIVED.

copy in the Russian tongue. St. Petersburgh, 1887. One copy in the Polish tongue. Krakow, 1887.

T. D. CROTHERS, M.D.—Inebriety and Inebriate Hospitals in America. Mental Responsibility in Inebriety.

HENRY S. WELCOME.—The Story of Metlakahtla.

PROF. WILLE.—Bericht über die Irrenauftall Basle, 1886. Basle, February 24, 1887.

PROF. GVOZDEV—Of the Royal Medical University at Kezen, Russia. Post Mortem Indications. Wounds, Bruises and Contusions. Newly Born Children.

JOSEPHINE SHAW LOWELL—Report as Member of State Board Charities to Legislature of N. Y. as to N. Y. City Institution for children.

DR. JAMES KNIGHT—23rd. Annual Report N. Y. Society for Ruptured and Crippled (1886.)

B. F. UNDERWOOD.—Nos. 1 and 3. of the Open Court, Chicago.

J. EDWIN COONEY, L. R. C. P.—Inaugural Address of SIR JOSEPH FAYER to Society of Medical men qualified in Sanitary Science.

D. R. LONG, M. D.—Report Mich. Asylum for Insane Criminals, 1886.

THE MAGAZINES.

ATLANTIC.—Dr. Oliver Wendell Holmes, One Hundred Days in Europe, and Two American Memoirs are interesting in July number.

SCRIBNER'S—Has made a decided hit with its Thackeray letters.

THE THEATRE—Has changed to a monthly during summer vacation.

THE ECLECTIC.—Its selections are admirable.

PHRENOLOGICAL JOURNAL.—Thoughtfully edited.

LIPPINCOTT—Is making a healthy growth.

FRANK LESLIE'S MONTHLY.—A splendid family magazine.

GODEY'S LADY Book.—The ladies like it.

GRIP.—Mr. Benough is making this journal a wonderful success in Canada.

PUCK—Hits hard and cuts close on existing abuses.

THE AMERICAN—We have not received since it changed from Brooklyn Magazine.

NEW PRINCETON REVIEW—Has frequent articles of interest to scientific readers.

THE CENTURY—Is contesting in England for supremacy with the old-established magazines.

ART AMATEUR.—Our readers who like art should see this journal.

LITTELL'S LIVING AGE—Is as good as ever.

THE FORUM—Is a very ably edited journal.

LIFE—Is the brightest and wittiest of the illustrated weeklies.

THE NEUROLOGICAL REVIEW.—The death of Dr. Jewell will doubtless end its career.

ALIENIST AND NEUROLOGIST—Maintains its old-time excellence.

JOURNAL OF MENTAL SCIENCE.—Dr. Sachs is doing good work on this journal.

MIND IN NATURE.—Is decidedly interesting, beautifully printed and valuable.

THE NEW ENGLANDER YALE REVIEW.—Ably conducted, with superior corps of contributors.

JOSEPH GUISLAIN.

BY JULES MOREL, M. D.

Hospice Guislain, Belgium.

Guislain was born in Ghent, the 2d of February, 1797, and began his medical studies, in the school of medicine of the department of the Schelde, and took his degree of physician in 1819.

From that time, commenced his first interest in the welfare of the insane, with whom he came first in contact in an asylum of the town. He witnessed the inhuman treatment inflicted upon these poor beings and his generous heart was moved. He decided to help these unfortunates and directed his studies to mental diseases. In 1827 his *Traite de l'Alienation Mentale et les Hospices des alienes* was published. In this work he depicts the sad position of these poor people and shows the moral and physical methods by which their health may be restored. This book was a success and Guislain was appointed chief physician of the Insane Asylums in Ghent. In 1835 he published his *Traite sur les Lois*. and from that moment he never doubted the possibility of the recovery of these people, till then abandoned and victims of the most revolting ignorance and carelessness. This work was quite a revelation, and had the honor of being



translated into different languages. Guislain became with Pinel the liberator of the insane ; all his life was then devoted to their cause.

Children have their St. Vincent de Paul and the deaf and dumb have their Abbe de l' Epee, but till that day nothing had been done for the Insane. In 1838 he published *un Expose de l' Etat des Alienes en Belgique*, in which he describes to us the patients kept in their families more numerous even than those who were in the Asylums. It was thought the patients did not feel heat or cold, nor the bad treatment inflicted upon them. These poor unfortunates were badly fed, left to themselves, in houses squalid beyond imagination.

Cheerless, forgotten by those whom once they loved, they generally died, for want of care. In the public institutions their situation was not better in any respect ; they were locked up without the order of a physician ; there was no protection for them at all.

It devolved upon Guislain to awaken the Government from this apathy, and a commission of ten members was intrusted with the duty of improving the condition of the insane. Guislain was the reporter, but in spite of all his activity, it was not till 1850 that the Parliament adopted a law, which spoke in favor of the insane. This improvement, however, did not prevent Guislain from continuing his philanthropic efforts. With the help of the criminal authorities he organized the asylums of Ghent, and in 1851 the commission of the civil hospitals built an asylum (*modele*), which is to-day world-renowned. The old prison is to-day a palace, the jail,

locks, chains have disappeared and have made room for beautiful lawns, where green grass and flowers are found in abundance.

From that time a great many asylums were built. Guislain was Professor at the University of Ghent and lectured upon Philosophy and mental diseases. This last course was published in 1852, under the title *Lecons orales sur les Phrenopathies*. This edition was soon exhausted and where it was sold it was necessary to pay a price higher than it had cost the book-seller. D. Yugeles published in 1871, a new edition with notes, prepared by Guislain himself for a later edition, augmented by a notice of the chief progress which the Science of mental medicine had since made. It is in this refined work that one can admire the noble intelligence, the sure judgment, the profound knowledge and the philanthropic heart of the writer.

He sacrificed all for the sake of the insane, he loved them, they constituted for him a family, to which he devoted his existence. A great many authors praised this great man, but it was left to a foreign physician, Dr. Brierre de Boismont, to put in a clear light the merits of this great scientific man and the noble qualities of the great philanthropist. His name, esteemed by all physicians, who pay attention to mental diseases round the world, was immortalized after his death, which occurred in 1860. The asylum for which he spent the best part of his life bears his name, and the commission of Ghent rendered thus a well-deserved homage to the reformer of asylums, and the liberator of the insane.

More than that Guislain, extended his sphere of action to the development of mental diseases. He worked ardently to obtain a law against alcoholic excesses. In a word, he did not lose a moment in his life, he was a genuine thinker, but practical and of unequalled perseverance.

His last will was made in favor of the insane, he left for them and to the coming scion of the Hospitals in Ghent \$10,000, besides his library and a collection of paintings, which is kept in the Hospital in Ghent. His marble bust, the work of Antoine Van Enaeme was offered to him by his old pupils, in homage of his great talent and his devotion. It is kept in the public library, in the University of Ghent.

He was the founder and the president of the Society of Medecine in Ghent, and to this Society he bequeathed also a sum of money, to help defray the expenses of lectures, and to institute a prize every five years. As a man, Guislain was sincere, of a noble character, dreaming only of good. He was simple, unassuming and very amiable. The day he was buried was a day of mourning for his entire native town, because one of its most worthy citizens was lost forever; a man whose only aim was to do good, who was in the habit of attacking abuses, but with great tact and strong arguments. As we have said already the memory of Guislain is not likely to be forgotten by a grateful nation.

The Belgian Physicians, in a meeting in 1882, in the hospital "Guislain" declared loudly that not enough had been done for the benefactor of humanity, and they

decided to perpetuate his memory by erecting to him a statue. A public subscription was opened, the city and the provinces brought their contingent, but better still the physicians throughout the world felt it their duty to co-operate paying in this debt of gratitude.

There was a competition among different sculptors of the country, and it was to M. Hausburs de Schaerheekler, of Brussels that the great honor fell of reproducing the noble features of this illustrious son of Belgium. While I write these lines the statue of Guislain is an object of admiration to the public, who visit the *Salon des Beaux Arts*, in the birthplace of the immortal physician.

J. M.

NOTE BY THE EDITOR.

The gifted and lamented B. C. INGLES, in response to a request for the portrait of **GUISLAIN**, to be sent the editor of this Journal, remitted a fine copy of Dr. BURGGRAEVE's work, entitled, "Etudes Medico-Psychologiques de JOSEPH GUISLAIN" (Th. Lesique, Brussels, 1867), which contains the portraits we reproduce in this number of the Journal. The first is a copy of the bust of Guislain, by A. Van Eenaeme, and the other was the design of a statue in his honor by the same artist.

Dr. Ingels engaged to write for the Journal the sketch that was to accompany these representations. His sad death prevented this work by him, but to whom could it be entrusted better than to his friend and colleague, Dr. JULES MOREL, then President of the Société of Mental Medicine of Belgium, the friend, admirer, compatriot and colleague of Guislain, and who has now been made Superintendent of the HOSPICE GUISLAIN, named in his honor.

The statue here given must not be confounded with the statue about to be erected to the memory of **GUISLAIN**. Dr. Morél has promised to send a



copy of that work in future, but it has not been received in time for the current issue.

The name of GUISLAIN and his memory will remain immortal, and like those of PINEL, in France, CONNOLLY and the elder TUKE, of England, will stand as bright and lustrous lights, which will mark the changes they inaugurated early in our century, for the amelioration of the condition of the unfortunate insane confined in public and private asylums.

The translations of the sketch of GUISLAIN from the French, was made by MRS. DR. S. N. LEO, to whom the thanks of the Journal are due.

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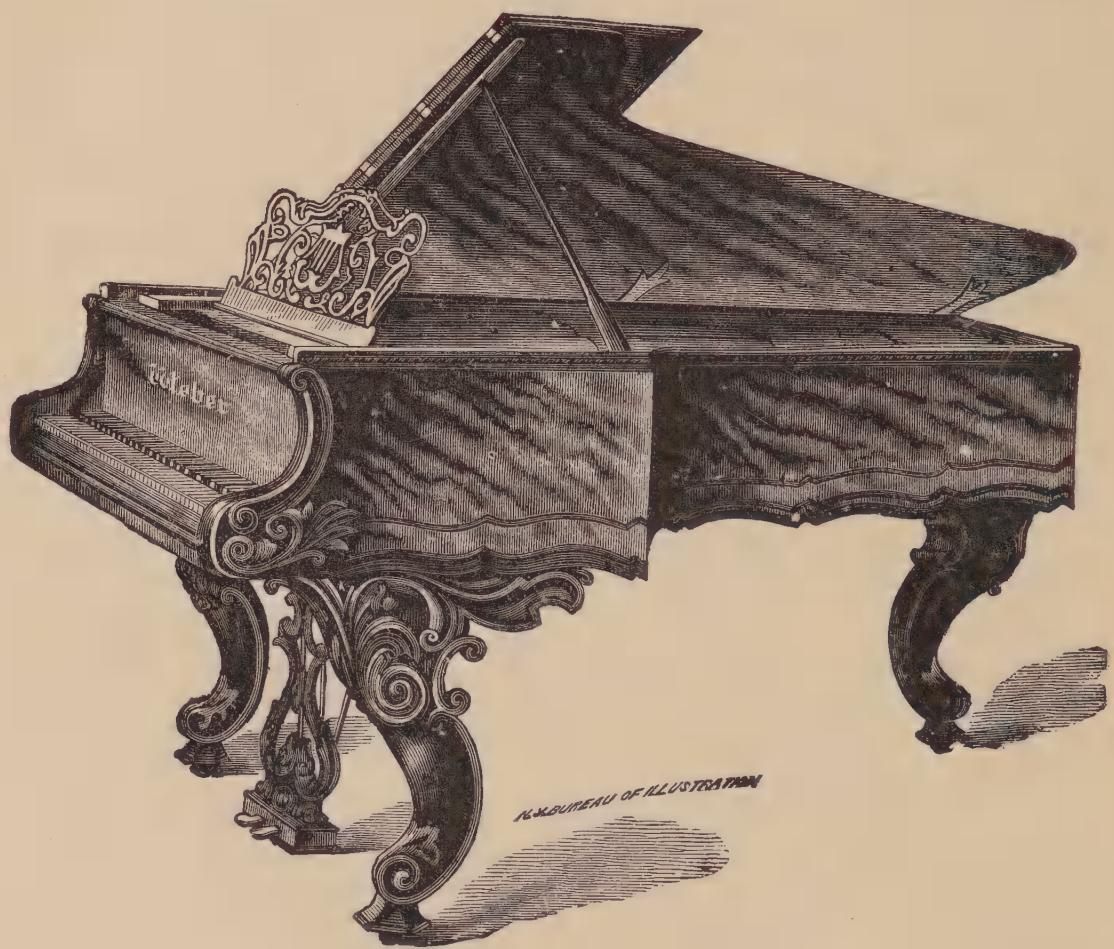
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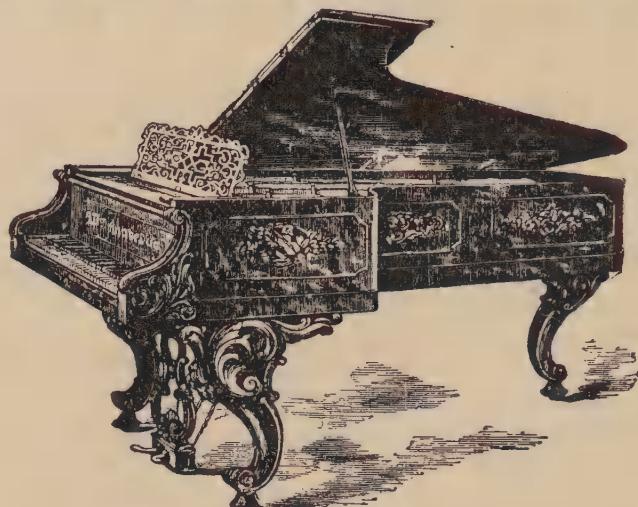
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Nos. 1 and 2 of Vol. I being out of print, we shall pay \$1.50 for either of these Numbers to supply orders already received.

Address, MEDICO-LEGAL JOURNAL,

57 BROADWAY, N. Y.

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Initiation fee, \$5. Dues, \$4 per annum, which entitles each member to a copy of the Medico-Legal Journal, free of charge.

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The investigation of every branch of Medico-Legal Science, is within the domain of the Society, and members of the professions interested in the subject, are requested to co-operate in its labors.

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THE MEDICO-LEGAL JOURNAL.

A Quarterly devoted to the Science of Medical Jurisprudence.

PUBLISHED UNDER THE AUSPICES OF THE MEDICO-LEGAL SOCIETY OF
THE CITY OF NEW YORK.

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CLARK BELL, ESQ.

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MEDICO-LEGAL JOURNAL ASSOCIATION.

57 BROADWAY, NEW YORK.



STATEMENT
OF
The Mutual Life Insurance Company of New York,

RICHARD A. McCURDY, President.

For the year ending December 31st, 1886.

ASSETS \$114,181,963.24.

Insurance and Annuity Account.

	No.	Amount.		No.	Amount.
Policies and Annuities in force, Jan. 1st, 1886	120,952	\$368,981,441 36	Policies and Annuities in force, Jan. 1st, 1887	129,927	\$393,809,202 88
Risks Assumed	18,673	56,832,718 92	Risks Terminated	9,698	32,004,957 40
	139,625	\$425,814,160 28		139,625	\$425,814,160 28

Dr.

Revenue Account.

Cr.

To Balance from last account	\$99,865,644 11
" Premiums	15,634,720 66
" Interest and Rents	5,502,456 01
	\$121,002,820 78

By Paid to Policy-Holders:

Endowments & Purchased Insurances	\$4,908,729 61
Dividends & Annuities	2,727,454 13
Deceased Lives	5,492,920 00
	\$13,129,103 74
" Other Disbursements:	
Commissions and Commutations	\$1,732,632 83
Taxes	277,169 85
Expenses	1,091,613 91
	3,101,416 59
" Premium on Stocks and Bonds Purchased	52,566 14
" Balance to new account	104,719,734 31
	\$121,002,820 78

Dr.

Balance Sheet.

Cr.

To Reserve for policies in force and for risks terminated	\$108,460,120 25
" Premiums received in advance	78,274 84
" Surplus at four per cent	5,643,568 15
	\$114,181,963 24

By Bonds Secured by Mortgages on Real Estate	\$50,118,949 66
" United States and other Bonds..	42,071,641 00
" Loans on Collaterals	6,172,917 25
" Real Estate	10,591,286 32
" Cash in Banks and Trust Companies at interest	2,306,203 08
" Interest accrued	1,166,870 65
" Premiums deferred and in transit	1,565,117 28
" Sundries	188,978 00

\$114,181,963 24

I have carefully examined the foregoing statement and find the same to be correct.

A. N. WATERHOUSE, Auditor.

From the Surplus above stated a dividend will be apportioned as usual.

NEW YORK, January 26, 1887.

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NOTABLE AND SIGNIFICANT ITEMS

FROM THE

FORTY-FIRST ANNUAL REPORT

OF THE

New York Life Insurance Co.

346 and 348 BROADWAY, NEW YORK.

A total income of over sixteen million one hundred thousand dollars, and payments to policy-holders of nearly eight million dollars.

Interest income, over three million dollars, being about 5½ per cent. on average net assets, and nearly four hundred thousand dollars in excess of losses by death.

Market value of securities, over three million three hundred thousand dollars in excess of their cost.

Liabilities, both actual and contingent, provided for, and a Divisible Surplus by the Company's standard of over seven million dollars. Surplus by the State standard, over thirteen million dollars.

An increase of nearly two million dollars in income, over three millions in surplus, over seven millions in assets and of over thirty millions of insurance in force, during 1885.

SUMMARY OF REPORT.

BUSINESS OF 1885.

Received in Premiums	12,722,103 03
Received in Interest, Rents, etc.	3,399,069 71
Total Income	\$16,121,172 74
Paid Death-claims	2,999,109 64
" Endowments	741,764 47
" Annuities, Dividends, and for Policies Purchased	3,940,999 64
Total Paid Policy-holders	\$7,681,873 75

New Policies Issued	18,566
New Insurance Writtend	68,521,452 00

CONDITION JAN. 1, 1886.

Cash Assets	\$66,864,321 32
*Divisible Surplus, Co.'s Standard	\$7,064,473 13
*Tontine	3,123,752 77
Total Surplus	\$10,188,215 90
Surplus by State Standard	\$13,225,053 94

Policies in Force	86,418
Insurance in Force	259,674,500 00

PROGRESS IN 1885.

Excess of Interest over Death-losses	\$399,960 07
Increase in Income	1,880,697 35
Increase in Surplus, State Standard	3,313,707 48
Increase in Assets	7,580,567 75
Increase in Insurance Written	7,036,902 00
Increase in Insurance in Force	30,291,914 00

*Exclusive of the amount specially reserved as a contingent liability to Tontine Dividend Fund.

+Over and above a 4 per cent. reserve on existing policies of that class.

The Seven Advantages

OF THE

New York Life Insurance Company's NON-FORFEITING TONTINE LIMITED-ENDOWMENT POLICY.

FIRST ADVANTAGE.—Insurance for a definite amount, or for an amount increasing with each premium paid, as desired.

SECOND ADVANTAGE.—A Definite Cash Endowment, and a Tontine Dividend, to Policies in force at the end of Endowment and Tontine periods, which periods correspond, and may be either Ten, Fifteen or Twenty Years.

THIRD ADVANTAGE.—Insurance for the full amount of the Policy, extending for as long a time as the value of the Policy will carry it, within the Endowment period, in case of discontinuance of payment of premiums after three years.

FOURTH ADVANTAGE.—A Grace of one month in the payment of premiums, during which time the policy-holder's security is unimpaired.

FIFTH ADVANTAGE.—Three valuable options, including cash value, to policy-holders who survive their Tontine and Endowment periods and keep their policies in force.

SIXTH ADVANTAGE.—Practical freedom of action with respect to occupation, residence and travel.

SEVENTH ADVANTAGE.—The payment of death-claims immediately upon the approval of the required proofs of death.

Do not insure until you have seen full particulars of this Policy. Do not fail to write the nearest Agent, or the home office, for such particulars —at once. The NEW YORK LIFE INSURANCE COMPANY, 348 Broadway, New York City.

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